



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

### MEMORANDUM

**TO:** Tommi Potter, Ohio Department of Medicaid

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** August 26, 2021

**RE:** **CSI Review – Registered Nurse Assessment and Registered Nurse Consultation Services (OAC 5160-12-08)**

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

#### Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on August 6, 2021, and the public comment period was held open through August 13, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on August 6, 2021.

Ohio Administrative Code 5160-12-08 establishes requirements for registered nurse (RN) assessment and consultation services provided through the Ohio Home Care Program. The rule defines how services are provided, lists requirements for RNs, and provides guidelines for reimbursement. The rule is amended to increase the reimbursement rate for assessment and consultation services. ODM notes that the increase is made possible through funding provided in Am. Sub. H.B. 110 (134<sup>th</sup> General Assembly).

During early stakeholder outreach, ODM reviewed the proposed increase to reimbursement rates with industry stakeholders, including LeadingAge Ohio, Ohio Council for Home Care and

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Hospice, and Ohio Health Care Association. During that time, stakeholders assisted the process for including the funding increase through meeting participation and testimony. No comments were received during the CSI public comment period.

The business community impacted by the rule includes certified and accredited home health agencies, as well as other non-agency providers of RN assessment and consultation services. The adverse impact created by the rule includes maintaining a staff of qualified RNs to provide services. ODM states that the rule is necessary to ensure the safety of individuals receiving services and to provide structured guidelines for the reimbursement of services.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review