



## Common Sense Initiative

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

**Sean McCullough**, Director

### MEMORANDUM

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

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** November 30, 2021

**RE:** **CSI Review – Intensive Home-Based Treatment Service (OAC 5160-27-05)**

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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 new rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on October 29, 2021, and the public comment period was held open through November 5, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 29, 2021.

Ohio Administrative Code 5160-27-05 establishes requirements for coverage of intensive home-based treatment (IHBT) services, which provides coordination and support for children and families. The rule establishes provider eligibility requirements, coverage standards for services, and limitations on activities that are not reimbursable. The rule replaces the previous rescinded rule.

During early stakeholder outreach, ODM reviewed the proposed rule during meetings of an advisory council, as well as soliciting feedback from stakeholders. During that time, ODM received comments from stakeholders that prompted clarifications to rule language related to service provision. One comment suggested reconsideration of the payment rate for functional

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family therapy services. ODM received one comment during the CSI public comment period, which prompted updates to the rule that clarify that a separate payment may be made upon the prior authorization of services such as group therapy, therapeutic behavioral groups, or substance abuse disorder case management.

The business community impacted by the rule includes all behavioral health providers rendering IHBT services. The adverse impact created by the rule is primarily the cost of complying with the rule requirements for providers to meet eligibility requirements. ODM states that the rule is necessary to ensure that IHBT services are properly provided and reimbursed.

### **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