



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: July 27, 2022

RE: **CSI Review – Freestanding Birth Center Services (OAC 5160-18-01)**

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This rule package consists of one rescinded rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on June 27, 2022, and the public comment period was held open through July 5, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 27, 2022.

Ohio Administrative Code 5160-18-01 establishes requirements related to freestanding birth centers (FBC), including criteria for payment for FBC services, covered services, and claim payment. The rule is proposed for rescission and much of the rule content is being replaced in a new rule of the same rule number, which is not included in this rule package.

During early stakeholder outreach, ODM sent the rule to FBC and birth care professional associations, the Ohio Hospital Association, and Medicaid managed care entities. In response to stakeholder comments, ODM made changes to the proposed new rule concerning facility payment of discrete services and clarifying headings. No comments were received during the CSI public comment period.

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The business community impacted by the rule includes FBCs and medical providers who perform services in FBCs. The adverse impact created by the rule is primarily the requirements for providers to hold a current license and to comply with current requirements for FBCs located in other rules. ODM states that the adverse impacts will not be included in the new rule, which is not included in this package.

Recommendations

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

Conclusion

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