



## Common Sense Initiative

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

**Joseph Baker**, Director

### MEMORANDUM

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

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** October 13, 2022

**RE:** **CSI Review – MyCare Ohio Revisions (OAC 5160-58-02.1)**

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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 Agency 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 September 6, 2022, and the public comment period was held open through September 13, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on September 6, 2022.

Ohio Administrative Code 5160-58-02.1 establishes requirements for terminating a member from enrollment in a MyCare Ohio plan (MCOP). The rule lists the criteria for termination, including Medicaid ineligibility, third party coverage, or failing to meet criteria for developmental disabilities level of care, as well as provisions for terminations initiated through different means. The rule is amended to remove language that states terminations may occur either in a mandatory or voluntary service area and to remove termination language from member-initiated requests requirements.

During early stakeholder outreach, ODM sent the proposed rule to Ohio MCOPs, including UnitedHealthcare Community Plan of Ohio, Inc., Molina Healthcare of Ohio, Inc., CareSource

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Ohio, Inc., Aetna Better Health Ohio, Inc., and Buckeye Community Health Plan. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rule includes the five current MCOPs operating in Ohio. The adverse impact created by the rule includes requirements for MCOPs to provide notification and documentation to ODM upon member disenrollment. ODM states that the adverse impact is necessary to comply with federal statute.

### **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