



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: November 29, 2022

RE: **CSI Review – Clinic Services (OAC 5160-13-01)**

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This rule package consists of one new and one rescinded rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on November 1, 2022, and the public comment period was held open through November 8, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on November 1, 2022.

Ohio Administrative Code 5160-13-01 establishes requirements for Medicaid coverage of services provided through clinics. The rule lists relevant definitions and the types of entities that meet the definition of a clinic and may enroll as providers. Amendments include updating the terms "ambulatory health care clinic" and "service-based ambulatory health care clinic" to the terms "clinic" and "clinic services," as well as clarifications and updates for payment methodologies and certification requirements. Due to amendments and reorganization within the rule content, the rule is proposed for rescission and replacement by a new rule of the same rule number.

During early stakeholder outreach, ODM sent the rule to industry stakeholders for feedback, including the Accreditation Association for Ambulatory Health Care, Healthcare Facilities

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Accreditation Program of the American Osteopathic Association, Community Health Accreditation Program, providers of professional dental and optometry school clinics, Ohio Speech and Hearing Professionals Board, The Ohio Academy of Audiology, Ohio Speech-Language-Hearing Association, Ohio Physical Therapy Association, Ohio Public Health Partnership, and Association of Ohio Health Commissioners. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes entities that perform services and are enrolled as clinics, which can include dialysis centers and clinics that offer family planning, outpatient rehabilitation, primary care, or health department services. The adverse impact created by the rule is primarily the necessity to be recognized, associated with, or meet credentialing requirements prior to enrolling with ODM. Amendments to the rule clarify that ODM does not require licensure to operate a business, but only to enroll as a clinic with ODM. ODM states that the adverse impact created by the rule is necessary to maintain professional standards for clinic services.

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.