



## 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:** December 22, 2022

**RE:** **CSI Review – DODD Authorization for ICF-IID Program (OAC 5160-3-90)**

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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 November 21, 2022, and the public comment period was held open through November 28, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on November 21, 2022.

Ohio Administrative Code 5160-3-90 establishes requirements for intermediate care facilities for individuals with intellectual disabilities (ICF-IID) to administer Medicaid services and for ODM to oversee Ohio Department of Developmental Disabilities (DODD) program administration. The rule is being amended to clarify requirements and remove unnecessary regulatory burdens.

During early stakeholder outreach, ODM sent the rule to DODD and ICF-IID providers for feedback. In response to stakeholder feedback, ODM amended the rule to correct a reference. No comments were received during the CSI public comment period.

The business community impacted by the rule includes 417 privately-owned ICF-IIDs and 8 state-

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operated developmental centers. The adverse impact created by the rule includes the time and effort spent making records available to ODM for review. ODM states that the adverse impact is necessary to provide adequate oversight of the ICF-IID program.

### **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.