



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Michael Bender, Business Advocate

DATE: January 3, 2024

RE: **CSI Review – MyCare Ohio Rules – Revisions to Align with MyCare Ohio Policy (OAC 5160-58-08.4)**

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) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on November 21, 2023, and the public comment period was held open through November 28, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on November 21, 2023.

Ohio Administrative Code (OAC) 5160-58-08.4 establishes the appeals and grievances processes pertaining to Medicaid benefits provided by MyCare Ohio plans (MCOPs). A member receiving such benefits may request a state hearing only after exhausting the appeal process. The rule is amended to update typography and require MCOPs to inform a member of the right to file a grievance if the member disagrees with an ODM decision to approve a time frame extension request by the MCOP to resolve a grievance or appeal.

During early stakeholder outreach, ODM provided the draft rule to the five MCOPs in the state of

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Ohio on August 28, 2023, and later provided them with an updated version on September 22, 2023. ODM received no feedback from the stakeholders. No comments were received during the CSI public comment period, although ODM revised the rules to correct citations.

The business community impacted by the rule includes MCOPs. The adverse impacts created by the rule include the costs associated with reporting information and providing notification. ODM states that the adverse impacts to business are justified to comply with federal regulations, ensure the provision of medically necessary services, and ensure members' rights and protections.

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.