

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-19-02

Rule Type: New

Rule Title/Tagline: Patient centered medical homes (PCMH): payments.

Agency Name: Ohio Department of Medicaid

Division:

Address: 50 Town St 4th floor Columbus OH 43218-2709

Contact: Tommi Potter **Phone:** 614-752-3877

Email: tommi.potter@medicaid.ohio.gov

I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5164.02
5. What statute(s) does the rule implement or amplify? 5164.02
6. What are the reasons for proposing the rule?

This is a new proposed rule which will replace existing OAC rule 5160-1-72 of the same title that is being proposed for rescission in this package. As Ohio Medicaid continues to streamline operations, the agency determined that rules related to alternative payment models should be included in a separate chapter under agency 5160 of the Administrative Code.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This new proposed rule contains the same content from rule 5160-1-72 that provides eligibility criteria to qualify for CPC program payments, including per-member per-month payments (PMPMs), shared savings payments, and bonus payments. Existing rule 5160-1-72 is being proposed for rescission in this package. This new rule will include all of the same content from 5160-1-72 with the following exceptions:

- This new proposed rule modifies language to remove regulatory restrictions and comply with Section 121.95 of the Ohio Revised Code.

- For the 2020 calendar year, this new proposed rule modified the definitions of "PCMH shared saving payment" and "PCMH for kids bonus payment" to indicate that PCMH practices are not eligible to earn these payments because they are not subject to meeting the required quality and efficiency metrics. Due to challenges presented by COVID-19 and the state of emergency declared in response, it is unlikely that PCMH practices would be able to meet these thresholds therefore they are being suspended and the shared savings payment will not be available for the 2020 calendar year.

- For the 2020 calendar year, this new proposed rule removes penalties associated with not meeting the efficiency and clinical quality measures under the PCMH and PCMH for Kids programs.

8. Does the rule incorporate material by reference? Yes

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another Ohio Administrative Code rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation reference by the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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There will be no increase or decrease in revenues or expenditures in the current biennium as a result of this proposed rule.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There are no costs of compliance for this rule.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable. This rule does not impose a regulation fee.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? Yes**

- 17. Does this rule have an adverse impact on business? No**

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?

Not Applicable