

## **Rule Summary and Fiscal Analysis**

### **Part A - General Questions**

**Rule Number:** 5160-35-05

**Rule Type:** Amendment

**Rule Title/Tagline:** Services authorized for medicaid coverage that can be provided by medicaid school program (MSP) providers.

**Agency Name:** Ohio Department of Medicaid

**Division:**

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#### **I. Rule Summary**

**1. Is this a five year rule review?** Yes

**A. What is the rule's five year review date?** 9/5/2025

**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?** 5162.02, 5162.364, 5162.366

**6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

**A. If so, what is the citation to the federal law or rule?** Not Applicable

**7. What are the reasons for proposing the rule?**

ODM is amending rule 5160-35-05 to provide details for the direct services school districts and community schools can provide to eligible students to receive Medicaid reimbursement. Additionally, this rule details the documentation of medical need necessary for school districts and community schools to provide in order to receive

Medicaid reimbursement for services provided to eligible children. ODM believes codifying this rule is necessary for the school districts and community schools to effectively implement the program.

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

- 5160-35-05 details the direct services school districts and community schools can provide to eligible students to receive Medicaid reimbursement. Additionally, this rule details the documentation of medical need necessary for school districts and community schools to provide in order to receive Medicaid reimbursement for services provided to eligible children. This rule is being amended to include 504 plans and a universal form (also called a school services plan of care) as acceptable documentation of need for eligible students. This rule is also being amended to include additions to the nursing services and behavioral health services school districts and community schools can provide to eligible students to receive Medicaid reimbursement.

**9. Does the rule incorporate material by reference? Yes**

**10. 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 Administrative Code. This question is not applicable to any incorporation by reference to another Administrative Code rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

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 121.75(A)(1)(a).

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

This rule was revised to correct the internal cross-references in paragraphs (C)(1)(c) (iii), (2)(c)(iii), and (7)(c) and (F)(7) and (8) to reflect the re-lettering of paragraph (B) to paragraph (C). This revise file also changes a reference in paragraph (C)(6)(b)(iii) from pointing to section 4723.22 of the Revised Code to pointing to section 4732.22 of the Revised Code.

## **II. Fiscal Analysis**

**12. 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.

\$0

Not Applicable

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

- 5160-35-05 (J)(1) - Be based on an assessment of need conducted by an authorized school district representative.

o The cost of compliance can be quantified by staff time to administer the assessment. Staff time will be required to meet with the student, complete the assessment, and document the results. This may include time to scan into an electronic filing system or organizing into a secure location in the school building.

- 5160-35-05 (I)(2) and 5160-35-05 (J)(2) – The plan of care is to be signed by the qualified practitioner who recommends the service as a result of the assessment/evaluation, re-assessment/re-evaluation.

o The cost of compliance can be quantified by staff time administer to the assessment. Staff time will be required to meet with the student, complete the assessment and document the results. This may include time to scan into an electronic filing system or organizing into a secure location in the school building. Lastly, there may be an administrative impact on facilitating the signature of the qualified practitioner.

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

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

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

No

**III. Common Sense Initiative (CSI) Questions**

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

**18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Be based on an assessment of need conducted by an authorized school district representative - 5160-35-05 (J)(1)

- 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? Yes**

- Be signed by the qualified practitioner who recommends the service as a result of the assessment/evaluation - 5160-35-05 (I)(2) and 5160-35-05 (J)(2)

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. 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 to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable