

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-43-04

Rule Type: Amendment

Rule Title/Tagline: Specialized recovery services program covered services and provider requirements.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 10/15/2026
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, 5164.03
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?

This rule is being amended to update Medicaid policy.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule states the activities associated with the Specialized Recovery Services program and also states eligible provider requirements. Changes include removal of references to peer support services and updating CFR references. Peer support services are covered in new rule 5160-27-14.

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 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 121.75(A)(1)(d).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to 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).

This rule incorporates one or more dated references to the United States Code. This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(a).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(d).

11. 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

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.

0.00

Not Applicable

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

Recovery managers have to be a registered nurse unless specific options apply. The cost of obtaining a registered nurse degree varies among the different schools that offer the program.

Recovery managers have to hold an active Medicaid provider agreement or be employed by an entity that has an active agreement. There is no financial cost for an individual to apply for or hold a Medicaid provider agreement.

The rule requires that providers that wish to provide supported employment services be certified by the Ohio Department of Mental Health and Addiction Services. Rule 5122-28-08 states the fee requirements, a minimum fee is \$ 1000.

There may be a time cost for providers to prepare and submit certain information which is required to be reported.

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.

Not Applicable

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

To provide the supported employment component of Specialized Recovery Services, a provider must be certified by the Ohio Department of Mental Health and Addiction Services. There could be a cost for the certification, rule 5122-28-08 states the costs.

Recovery managers have to hold an active Medicaid provider agreement or be employed by an entity that has an active agreement. There is no cost to apply for or hold a Medicaid provider agreement.

- 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**

There could be a cost associated with the requirement that recovery managers hold a nursing degree unless specific options apply.

There may be a time cost for providers to prepare and submit certain information which is required to be reported.

- 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? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 3**

51640-43-04 (C)(3) Must...the provider delivering the service must meet... is being removed so that a reference to peer recovery support services can be removed.

5160-43-04 (C)(4) Must....All peer recovery support providers must maintain... is being removed so that a reference to peer recovery support can be removed.

5160-43-04 (C)(4) Must....At a minimum, the record must contain: is being removed so that a reference to peer recovery support can be removed.

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

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

Not Applicable