

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-59-03.4
Rule Type: New
Rule Title/Tagline: OhioRISE: behavioral health respite service.
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?**
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?** 5167.02, 5164.02
5. **What statute(s) does the rule implement or amplify?** 5162.03, 5167.02, 5167.10
6. **What are the reasons for proposing the rule?**

The OhioRISE Program operated by the Ohio Department of Medicaid (ODM) is a prepaid inpatient health plan (PIHP) for children with behavioral health needs who are often served by multiple delivery systems in the state. As part of the implementation of the OhioRISE Program, ODM is implementing new and revising existing services to meet the needs of children enrolled in the OhioRISE Program.

Currently, respite services are an additional benefit offered to individuals who meet eligibility criteria and are enrolled with a Medicaid Managed Care Organization (MCO). The respite benefit, existing as of the date of this filing and provisioned under Ohio Administrative Code (OAC) rule 5160-26-03, covers both behavioral health (BH) and

long term services and supports (LTSS) respite. The OhioRISE Program will offer BH respite, while the MCOs will continue to cover LTSS respite services for qualifying individuals enrolled with an MCO.

Service specifications, provider qualifications, and limitations to the BH respite service are proposed under new OAC rule 5160-59-03.4.

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

Ohio Administrative Code (OAC) rule 5160-59-03.4 outlines service specifications, provider eligibility criteria, and coverage for, and limitations to, the OhioRISE behavioral health (BH) respite service delivered by the OhioRISE Plan.

The primary purpose of BH respite is for the temporary relief to the primary caregiver of an OhioRISE plan enrolled youth. Components of BH respite may include assistance with activities of daily living, transportation, and supports in home and community-based settings. The service may be delivered on a planned or emergency basis and during awake and sleep hours. BH respite may be provided in a foster home setting when certain specifications detailed in the rule are met.

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 OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A)(1)(d).

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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Not Applicable

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

The cost of certification through OhioMHAS is based upon the budget of the agency that is applying for certification. The fee schedule showing the correlation between the agency's budget and the certification cost is located in OhioMHAS OAC rule 5122-25-08. A provider already certified by OhioMHAS, requesting to add an additional service(s) pays a fee based only upon their budget for the new service(s), not their entire budget. When the agency has appropriate accreditation from The Joint Commission, CARF, or COA there is no certification fee owed to OhioMHAS.

First aid training costs will also vary by program and geographic region. An informal survey of American Red Cross, American Heart Association and other first aid courses around the state suggests that the average cost is about \$70-75. Tuition can range anywhere from \$50 to over \$110, with lower rates in more rural counties.

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

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? Yes

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

Behavioral health respite providers will obtain and maintain first aid certification per paragraph (C)(3) of this proposed rule. First aid training costs will also vary by program and geographic region. An informal survey of American Red Cross, American Heart Association and other first aid courses

around the state suggests that the average cost is about \$70-75. Tuition can range anywhere from \$50 to over \$110, with lower rates in more rural counties.

- 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? Yes**

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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