

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: November 16, 2020

TIME: 11:00 A.M.

Teleconference Phone Number 1 614-721-2972

Teleconference Pin 908569930#

Pursuant to Chapter 119. and section 5164.02 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the adoption, amendment, or rescission of the rule or rules identified below and of a public hearing thereon.

The following rules are being proposed for amendment to continue, through a permanent filing, current Medicaid policy that removes some requirements due to the COVID19 pandemic. The rules were previously emergency filed with an effective date of June 12, 2020.

Rule 5160-8-05 "Behavioral health services-other licensed professionals" sets forth general Medicaid policy regarding the provision of behavioral health services by specified providers. Language requiring a face to face intervention between the provider and recipient is removed.

Rule 5160-27-04 "Mental health assertive community treatment service" states activities that constitute the service as well as eligibility requirements to receive the service. Revised language relaxes the fidelity review requirements that provider teams have to meet in order to render the service. Language is removed that prohibits the billing of the service when it is not rendered in an in-person setting.

Rule 5160-27-05 "Mental health intensive home based treatment service" states activities that constitute the service as well as eligibility requirements to receive the service. Revised language relaxes the fidelity review requirements that provider teams have to meet in order to render the service. Language is removed that prohibits the billing of the service when it is not rendered in an in-person setting.

Rule 5160-27-08 "Mental health therapeutic behavioral services and psychosocial rehabilitation" states activities that constitute both of these services. Language requiring a face to face intervention between the provider and recipient is removed.

Rule 5160-27-12 "Behavioral health crisis intervention provided by unlicensed practitioners" describes a behavioral health crisis intervention and states practitioner requirements and limitations. Language requiring a face to face intervention between the practitioner and recipient is removed as is the provision that the service can only be rendered to a recipient by a specific practitioner if the two have previously met in person.

The permanent filing for the five rules is proposed to become effective December 31, 2020.

Pursuant to Section twelve of Am. Sub. H. B. No. 197 ODM will hold the public hearing for this rule package via teleconference. The phone number and pin and the date and time for this hearing are listed at the top of this Notice. All interested parties are invited to participate in the public hearing. Oral and written testimony will be accepted for this hearing and will be given the same consideration. Those who want to give oral testimony are asked to send an email to Rules@Medicaid.Ohio.gov no later than one hour before the hearing to be added to the witness list. There will be a final call at the end of the hearing for those who wish to offer oral testimony but are not yet on the witness list.

Written comments submitted via fax, United States Postal Service, and email that are received or postmarked no later than the day of the hearing will be accepted as testimony and become part of the hearing record. All testimony will become public record; therefore, the Ohio Department of Medicaid asks that protected health information only be included if the information belongs to the person submitting the testimony or a person for which the submitter is a legal guardian.

Written testimony sent via email is highly recommended, all testimony received via email will receive a confirmation of receipt.

A copy of the proposed rules are available, without charge, to any person at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. Requests for a copy of the proposed rules or comments on the rule should be submitted by mail to the Ohio Department of Medicaid, Office of Legal Counsel, 50 W. Town Street, Suite 400, Columbus, Ohio 43215-3414, by fax at (614) 995-1301, or by e-mail at Rules@Medicaid.Ohio.gov.