



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: October 23, 2020

RE: **CSI Review – Health Care Isolation Centers (OAC 5160-3-80)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of one new rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on September 22, 2020, and the public comment period was held open through September 29, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on September 22, 2020.

Ohio Administrative Code 5160-3-80 is a new rule that sets forth requirements for the operation of health care isolation centers (HCIC) through the Ohio Medicaid program. HCICs offer COVID-19 or quarantine levels of care to individuals who require isolation or similar care but do not require hospital services. The rule establishes relevant definitions, provider obligations to patients, discharge guidelines, staffing and facility requirements, and reimbursement procedure.

During early stakeholder outreach, ODM worked with the long-term care provider industry to create the rule and sent the proposed rule to stakeholders for feedback, including the Ohio Health Care Association, the Ohio Academy of Senior Health Sciences, Leading Age Ohio, the Ohio

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Assisted Living Association, and the Ohio Council for Home Care and Hospice. ODM states that stakeholder feedback was implemented when creating the proposed draft of the rule. No comments were received during the CSI public comment period.

The business community impacted by the proposed rule includes approximately 950 nursing facilities that participate in the Ohio Medicaid program. The adverse impacts created by the rule include the cost of complying with rule requirements for staffing and medical supplies necessary to provide isolation care, as well as minimal time to apply for HCIC approval. The cost for compliance can vary based on the scale and modifications necessary for a given facility. ODM states that any adverse impacts created by the rule are justified by addressing the needs of patients who are uniquely impacted by the COVID-19 pandemic. ODM also notes that reimbursement rates have been adjusted to reflect the increased costs of providing HCIC services.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Medicaid should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.