



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: July 15, 2021

RE: **CSI Review - Specialized Recovery Services Program (OAC 5160-43-04 and 5160-43-07)**

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 Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules proposed by the Ohio Department of Medicaid (ODM) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on May 13, 2021, and the public comment period was held open through May 19, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 13, 2021.

OAC 5160-43-04 establishes requirements for providers participating in the Specialized Recovery Services (SRS) Program and establishes the covered services. The rule is amended to align recovery management activities with the federal 1915(i) State Plan Amendment, as well as allowing eligibility evaluations to be conducted through telephone or video conference meetings and updating revision dates throughout the rule. OAC 5160-43-07 sets forth program compliance requirements for providers, which can involve monitoring and oversight of service provision, structural reviews, and investigations. The rule is amended to remove requirements related to structural reviews, as ODM does not conduct structural reviews that are specific to SRS. Amendments also introduce an explicit requirement for providers to deliver reports as requested by

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ODM to monitor performance. ODM included several other rules in the documents filed with CSI for informational purposes that are not subject to the BIA or this recommendation memo.

During early stakeholder outreach, ODM reviewed the proposed rules during meetings with stakeholder groups, which include providers, state agencies, and groups like Linking Employment, Abilities, and Potential. Stakeholders provided input that resulted in clarifying changes to recovery management activity requirements. Three comments were received during the CSI public comment period. One stakeholder expressed support for the ability to conduct eligibility evaluations through electronic means. Other comments concerned rules that were included along with the rule package for informational purposes.

The business community impacted by the rules includes ODM-contracted recovery management providers and certain Ohio Department of Mental Health and Addiction Services (OMHAS) providers. Certification fees for OMHAS providers cost a minimum of \$1,000. The rules also require administrative time and effort to support record retention, recovery management, and monitoring and oversight requirements. ODM states that the rules are necessary to ensure the safety of program participants and to comply with federal statute.

Recommendations

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

Conclusion

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