



Common Sense Initiative

Mike DeWine, *Governor*
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Caleb White, Business Advocate

DATE: June 12, 2024

RE: **CSI Review – Specialized Services Recovery Peer Service (OAC 5160-43-04, 5160-43-05, and 5160-43-09)**

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 three amended rules proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on May 23, 2024, and the public comment period was held open through May 30, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 23, 2024.

The rules in this package are primarily amended to remove references to peer support service as this service will be reclassified as a general Medicaid covered service. This reclassification will be accomplished through a new rule which will be proposed in a separate rule package. Ohio Administrative Code (OAC) 5160-43-04 establishes what services are available to individuals enrolled in the specialized recovery services program (SRSP) and sets forth the requirements for SRSP providers. This rule is amended to remove allowable and not allowable peer activities and the requirements for peer recovery support providers. Additionally, this rule is amended to update the dates of referenced materials and update language surrounding the recovery management eligibility evaluations conducted via the telephone or video conference. OAC 5160-43-05 establishes the

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

requirements SRSP providers must meet to participate in the SRSP program. This rule is amended to update the dates of referenced materials. OAC 5160-43-09 establishes the employee criminal background check process and requirements home and community-based service providers are required to meet if the provider serves individuals enrolled in the SRSP program. This rule also contains an appendix that lists and categorizes the disqualifying offences for SRSP providers. This rule is amended to remove all references to peer recovery support providers in the rule.

During early stakeholder outreach, ODM held a public comment period for the rules beginning on April 20, 2024, and ending on April 26, 2024. During this period, ODM received one comment in support of the proposed rules from the Ohio Council of Behavioral Health and Family Services Providers. No comments were received during the CSI public comment period.

The business community impacted by the rules includes all Medicaid behavioral health providers that either currently or may wish to in the future offer specialized recovery services. The adverse impacts created by the rules include the costs associated with obtaining a registered nurse degree, the requirement to hold or be employed by a provider with an active Medicaid provider agreement, certification by the Ohio Department of Mental Health and Addiction Services which includes a minimum fee of \$1,000, reporting requirements, the potential termination of a Medicaid provider agreement for failing to comply with the rule, as well as the costs associated with a Bureau of Criminal Identification and Investigation and Federal Bureau of Investigation background check which costs between \$35 and \$40 for each respective background check. ODM states that the adverse impacts to business are justified to provide quality services to the individuals in the specialized recovery services program and promote safe interactions between providers and individuals in the program.

Recommendations

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

Conclusion

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