



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: May 10, 2024

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This rule package consists of one rescinded rule proposed by the Ohio Department of Medicaid (ODM) as a part of the statutory five-year review process. This rule package was submitted to the CSI Office on April 18, 2024, and the public comment period was held open through April 25, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on April 18, 2024.

Ohio Administrative Code (OAC) 5160-3-80 establishes definitions, reimbursement standards, and requirements related to health care isolation centers (HCIC) during the COVID-19 public health emergency. ODM has decided to rescind this rule due to the end of the COVID-19 public health emergency. The business community impacted by this rule includes nursing facilities interested in being designated as HCICs. The adverse impacts created by this rule include the requirements to submit a letter from Hospital Zone Lead documenting the need for the HCIC capacity, licensing and certification requirements, and the costs associated with meeting staffing, personal protective equipment, and infection control requirements. ODM notes that the elimination of this rule does not eliminate flexibility or create additional adverse impacts for stakeholders. No comments were

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received during the CSI public comment period.

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 rule with the Joint Committee on Agency Rule Review.