



Common Sense Initiative

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

Joseph Baker, *Director*

MEMORANDUM

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Jacob Ritzenthaler, Business Advocate

DATE: January 13, 2025

RE: **CSI Review – OhioRISE 1915(c) Waiver Rules (OAC 5160-59-05 and 5160-59-05.2)**

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

Ohio Administrative Code 5160-59-05 establishes coverage and provider eligibility requirements for the Ohio Resilience through Integrated Systems and Excellence (OhioRISE) waiver program. The rule is amended to state that providers responsible for developing the child and family-centered care plan can deliver other services upon prior approval and to update citations. OAC 5160-59-05.2 sets forth standards for transitional services and supports. The rule is amended to include a care management entity providing care coordination as an eligible provider, state that staffing may be provided to a youth at a ratio of up to two-to-one when documented in a plan and approved by the OhioRISE plan, and to update citations.

During early stakeholder outreach, ODM reviewed the rules during meetings of the OhioRISE Advisory Council and members of its workgroups, including ARC of Ohio, Ohio Association of

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Health Plans, Ohio Association of County Boards Serving People with Developmental Disabilities, Ohio Family and Children First Councils, the Center for Community Solutions, the Ohio Council for Behavioral Health and Family Services Providers, the Ohio Center for Autism and Low Incidence, the Ohio Children's Alliance, New Directions and Crossroads Health, Mercy Health Foundations, Case Western Reserve University Centers for Innovative Practices, and the Ohio Association of County Behavioral Health Authorities. ODM received a comment which prompted the proposed changes and expressed positive support. One comment was received during the CSI public comment period from CareSource, which stated no opposition to the proposed rules.

The business community impacted by the proposed rules includes the OhioRISE plan, Aetna Better Health of Ohio, as well as managed care organizations and behavioral health providers. The adverse impacts created by the rules includes requirements for providers to be certified through the Ohio Department of Mental Health and Addiction Services and for homemaker and personal care services. Providers also must complete behavioral health support trainings and request prior approval before rendering OhioRISE 1915(c) services. ODM states that the cost of trainings can range from \$50 to \$110, with a survey of courses offered by the American Red Cross, American Heart Association, and other organizations showing that courses cost between \$70 and \$75 on average. ODM notes that amendments to the rules will reduce the regulatory burden on businesses by allowing additional provider types to provide OhioRISE 1915(c) services. ODM states that the adverse impacts created by the rules are necessary to maintain compliance with federal regulations and ensure the provision of medically necessary services.

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.