



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Michael Bender, Business Advocate

DATE: July 15, 2025

RE: **CSI Review – Ohio Resilience Through Integrated Systems and Excellence (OhioRISE) UM 5160-59-03.1 (OAC 5160-59-03.1)**

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 amended rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on June 24, 2025, and the public comment period was held open through July 1, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 24, 2025.

Ohio Administrative Code (OAC) 5160-59-03.1 requires the Ohio Resilience through Integrated Systems and Excellence (OhioRISE) plan to implement a utilization management (UM) with clearly defined structures and processes that are designed to maximize the effectiveness of the care provided to members. The rule is amended to reduce standard prior authorization timelines from ten days to seven days and update the effective date of the federal regulation that contains the Mental Health Parity and Addiction Equity Act requirements with which the OhioRISE plan's UM program must comply.

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During early stakeholder outreach, ODM sent the proposed rule changes to stakeholders to solicit feedback from December 5, 2024, through December 11, 2024. Stakeholders who were notified included the ARC of Ohio, the Ohio Association of Health Plans, the Ohio Association of County Boards Serving People with Developmental Disabilities, the Center for Community Solutions, the Ohio Council for Behavioral Health & Family Services Providers, the Ohio Center for Autism and Low Incidence, the Ohio Children's Alliance, New Directions and Crossroads Health, Mercy Health Foundations Behavioral Health Sciences, the Ohio Association of County Behavioral Health Authorities, the Case Western Reserve University Centers for Innovative Practices, Ohio Family & Children First Councils, county public children services agencies, county departments of job and family services, the Ohio Department of Children and Youth, the Ohio Department of Mental Health and Addiction Services, the Ohio Department of Developmental Disabilities, the Ohio Department of Youth Services, the Ohio Department of Education and Workforce, and the Ohio Department of Health. ODM did not receive any comments during this time period or during the CSI public comment period.

The business community impacted by the rule includes the OhioRISE plan and behavioral health providers that render its services to Medicaid recipients that are twenty-one years old or younger. Aetna Better Health of Ohio serves as the OhioRISE managed care organization. The adverse impacts created by the rule include the costs and staff time associated with sharing information with ODM and certain providers, maintaining a log, and implementing written policies and procedures. According to ODM, the proposed changes will align the rule with the federal Centers for Medicare & Medicaid Services (CMS) Interoperability and Prior Authorization Final Rule (CMS-0057-F) issued in 2024. ODM states that the adverse impacts to business are justified to properly oversee the OhioRISE plan and its UM program, preserve information so that it is readily available for the State or upon request by CMS, ensure that providers are paid appropriately, and ensure the provision of medically necessary services, emergency services, and post-stabilization services to promote that best outcomes for individuals enrolled in the OhioRISE plan.

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.