



## 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:** August 2, 2023

**RE:** **CSI Review – Comprehensive Primary Care (OAC 5160-19-01 and 5160-19-02)**

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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 July 11, 2023, and the public comment period was held open through July 18, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 11, 2023.

Ohio Administrative Code (OAC) 5160-19-01 and 5160-19-02 implement ODM's Comprehensive Primary Care Program (CPC) and CPC for Kids programs. These are voluntary programs which use a Patient Centered Medical Home model to both place an emphasis on primary care and encourage providers to deliver medical services to Ohioans covered by Medicaid in a more economical and efficient manner. OAC 5160-19-01 governs the eligible providers for the CPC and CPC Kids programs, sets forth the requirements for a provider to participate in these programs, and outlines the activity, efficiency, and quality benchmarks that must be met for a provider to continue its participation in the program. This rule is amended to align the terminology this rule uses for clinical quality metrics with the Healthcare Effectiveness Data and Information Set (HEDIS) measure definitions and replace the breast cancer screening HEDIS metric with a Chlamydia screening for women metric. OAC 5160-19-02 outlines the eligibility criteria for providers to qualify for CPC and CPC for Kids program payments, CPC shared savings payments, and the payment calculations. This

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rule is amended to be in line with the upcoming program year and streamline language. Updates include removing a reference to 3M Clinical Risk Grouping Software, directing inquiries for more information regarding risk-adjustment to ODM's website, and changing the select wellness activities which qualify for CPC for Kids bonus activities from lead testing capabilities, community services and supports screening, tobacco cessation, fluoride varnish, and breast-feeding support to oral evaluation and dental services.

During early stakeholder outreach, ODM sent a copy of the proposed rules to all CPC practices through email and requested their feedback on the proposed rules. ODM also conducted four additional stakeholder group meetings regarding the proposed rules between the months of March and May of 2023. These meetings included representatives from various ODM internal stakeholders as well as representatives from external stakeholders including Five Rivers Health Center, Cincinnati Childrens Hospital Medical Center, Nationwide Childrens Hospital, University of Cincinnati Medical Center, University Hospitals Cleveland Medical Center, Central Ohio Primary Care Physicians, Pioneer Physicians Network, Ohio Hospital Association, Ohio Children's Hospital Association, Akron Children's Hospital, the Metro Health System, Aultman Health, University Hospitals Health System, Nationwide Children's Hospital, the Cleveland Clinic, the Ohio Association of Health Plans, CareSource, Anthem BCBS of Ohio, AmeriHealth Caritas of Ohio, UnitedHealth Care, Humana Healthy Horizons of Ohio, Humana, Elevance Health, Centene Health, Buckeye Health Plan, Aetna Better Health of Ohio, and Molina Healthcare. ODM received input and suggested changes to clarify the risk adjustment modeling in the rules but did not make changes to the rules at this time as the system updates and changes needed to allow these changes are not yet in place. ODM instead directed the commenters to its website where additional details will be posted prior to the next program year. No comments were received during the CSI public comment period.

The business community impacted by the rules includes providers enrolled in Ohio's Medicaid fee-for service program, Medicaid managed care plans, and providers who contract with Medicaid managed care plans that have chosen to participate in these programs. The adverse impacts created by the rules include completing an application to participate in the program, preparing and submitting informational reports, and the requirement to meet certain metrics to qualify for payments. If a provider fails to meet these requirements, they will not receive payments. ODM notes that while participating providers do incur costs, both CPC and CPC for Kids are voluntary programs and will only affect providers who choose to participate in these programs. ODM states that the adverse impacts to business are justified as they provide regulated businesses with incentives in the form of per-member-per-month payments and the opportunity to receive shared savings bonus payments for providing services in the form of comprehensive care and achieve better health outcomes and cost savings by promoting primary and preventive care.

## **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.