

OHIO GENERAL ASSEMBLY
JOINT COMMITTEE ON AGENCY RULE REVIEW

SENATE MEMBERS

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September 17, 2018

Chairman Uecker called the meeting to order at 1:34 p.m.

Deputy Director Fouche called the roll. Senators Uecker, Bacon, Kunze, Skindell, Thomas and Representatives Duffey, Manning, Gavarone, Boggs, and Ramos were in attendance. Senator Bacon was temporarily appointed to the Committee for the meeting. Deputy Director Fouche stated a quorum was present. Chairman Uecker asked the Committee members to review the August 13, 2018 minutes. The minutes were approved as presented.

Director Wolpert read the No Change Agenda. Chairman Uecker called for questions or comments on the No Change Agenda. There were no questions from the Committee or public. Director Wolpert read the Regular Agenda. Item 16 was moved to the review portion of the agenda. Chairman Uecker called for questions or comments on the Regular Agenda. There were no questions from the Committee or public. Chairman Uecker temporarily recessed the Committee at 1:37 p.m.

Chairman Uecker called the Committee back to order at 1:39 p.m. to discuss the review portion of the agenda. Chairman Uecker called Jim Tassie, Assistant Director of the Ohio Department of Medicaid (ODM), to offer comments and answer questions from the Committee. Mr. Tassie stated ODM does not agree that the proposed rule is a barrier to individuals being able to enroll as Medicaid providers. Mr. Tassie stated ODM has enrolled at least 43 individuals as Medicaid providers since the emergency version of the proposed rule took effect who otherwise would have been prohibited under the terms of O.R.C. 5164.34. Mr. Tassie stated the statute makes no allowance for extrinsic circumstances, the nature of the offense, or the passage of time, unless ODM promulgates a rule describing the circumstances under which such an individual may enroll.

Mr. Tassie stated the proposed rule provides that an individual can be a Medicaid provider, regardless of his or her criminal history if they obtain a pardon or a certificate of qualification for employment (CQE) from their sentencing court. Mr. Tassie stated ODM will set the five year review date for the proposed rule to October 1, 2019. Mr. Tassie stated Medicaid provider applicants who have applied for a CQE may be enrolled as a Medicaid provider until the earlier date of the application is denied or October 1, 2019. Mr. Tassie stated ODM will accept a document issued by an out-of-state or federal jurisdiction if that document is the functional equivalent of an Ohio CQE. Mr. Tassie stated ODM is open to revisiting the rule with all affected stakeholders.

Senator Skindell stated the disqualifying offenses and exclusionary periods in the proposed rule are not in O.R.C. 5164.34 and asked Mr. Tassie if his statement was correct. Mr. Tassie stated the disqualifying offenses were defined in a cross reference, within O.R.C. 5164.34, to O.R.C. 109.572. Senator Skindell stated O.R.C. 5164.34 did not include the list of disqualifying offenses found in the proposed rule. Mr.

Tassie stated the offenses found in the proposed rule are defined via cross-reference in O.R.C. 109.572. Mr. Tassie stated the exclusionary periods were a creation of ODM in consultation with other Departments. Senator Skindell asked if the list of disqualifying offenses in the O.R.C. match the tiers found in the proposed rules. Mr. Tassie stated he believed the O.R.C. matched the proposed rule.

Senator Skindell asked if possession of drug paraphernalia is listed in the statute as a disqualifying offense. Mr. Tassie stated "yes." Senator Skindell asked for the section of statute. Mr. Tassie believes the section of statute is in O.R.C. 109.572 which is cross-referenced through O.R.C. 5164.34 (A)(2). Senator Skindell stated the proposed rule was modeled after a home healthcare rule. Mr. Tassie stated Senator Skindell was correct. Senator Skindell stated the home healthcare rule was created in 2012-2013. Mr. Tassie stated the rule was created somewhere within that timeframe. Senator Skindell stated ODM has not had any complaints but the rule did not apply to peer recovery support persons. Mr. Tassie stated Senator Skindell was correct.

Senator Skindell stated it was his understanding that Mental Health and Addiction Services has developed rule 5122-29-15 that certifies peer recovery support persons and the list of disqualifying offenses in that rule are different than the list of disqualifying offenses in the proposed Medicaid rule. Mr. Tassie stated Mental Health and Addiction Services had their own certification standards disqualifying offense list. Senator Skindell stated the lists were significantly different. Senator Skindell asked if Mr. Tassie realized the proposed rule will result in the termination of a number of peer review recovery persons. Mr. Tassie stated he disagreed with Senator Skindell's conclusion.

Senator Skindell asked if Mr. Tassie understood that a CQE is an onerous process and many people will not be able to receive a CQE which results in jobs lost. Mr. Tassie stated that is one of the reasons the proposed rule contains a grace period for the CQE. Senator Skindell asked what ODM considered concerning the overall goal of the legislature while developing the rule. Mr. Tassie stated the proposed rule was promulgated under an emergency in order to prevent individuals from being dis-enrolled under the strict interpretation under O.R.C. 5164.34.

Senator Skindell asked Mr. Tassie to go through the list of disqualifying offenses. Mr. Tassie stated O.R.C. 5164.34 is clear that ODM has the authority to request a criminal records check. Mr. Tassie stated a disqualifying offense is a defined term cross-referenced with paragraph (A)(2) of O.R.C. 5164.34 in O.R.C. 109.572. Representative Duffey asked Mr. Tassie to describe some of the lowest level of offenses that would be disqualifying under the proposed rule. Mr. Tassie stated there was a list of personal offenses that had no inclusionary period.

Representative Duffey asked Mr. Tassie to read the list of offenses within tier four. Mr. Tassie read the list of offenses. Representative Duffey stated a person that had written bad checks that did not particularly harm another person would be excluded from being a provider. Mr. Tassie stated based on Representative Duffey's example the individual would be facing a five-year exclusionary period but could seek a CQE. Representative Duffey asked if Mr. Tassie knew the percentage of providers that will be affected. Mr. Tassie stated he did not. Representative Duffey asked what number of providers losing their jobs would raise red flags to the Department. Mr. Tassie stated they had not received any kind of indication to suggest that services are not being provided.

Chairman Uecker asked if the 5-year exclusionary period was from conviction or end of parole. Mr. Tassie stated it would be five years from the end of the individuals sanction. Chairman Uecker stated individuals could not seek a CQE while on or within a year of probation. Mr. Tassie agreed with the Chairman. Mr. Tassie believes obtaining a CQE is a part of the dis-enrollment process of probation.

Representative Ramos asked why ODM was using the same-tiered structure of disqualifying offenses as home healthcare in the proposed rule. Mr. Tassie stated many behavioral health recipients are not served in a professional setting but are served in their homes or the community. Representative Ramos asked why no exceptions were added to the proposed rule for certain types of situations. Mr. Tassie stated ODM is not willing to exclude a specific group of providers when the individuals whom those providers serve are sometimes among the most vulnerable Medicaid recipients. Representative Ramos asked Mr. Tassie to explain how he believes the proposed rule is in line with legislative intent. Mr. Tassie believes the Common Sense Initiative Office (CSIO) and Representative Seitz look at the proposed rule from a different perspective than ODM.

Senator Thomas asked if there were any concerns with the peer recovery support persons prior to the proposed rule. Mr. Tassie stated the Department received concerns from the Richland County Addiction Services Board. Mr. Tassie referred to the strict interpretation of O.R.C. 5164.34. Mr. Tassie explained how no providers with a disqualifying offense would be able to receive a Medicaid provider number unless the Department creates a rule that creates conditions under which those providers can enroll. Senator Thomas asked Mr. Tassie if he would agree some of the disqualifying offenses in the five-year tier made no sense. Mr. Tassie stated ODM would like to continue conversations in regards to the tier structure. Senator Thomas asked if all peer review providers go through a background check process. Mr. Tassie stated the Department of Mental Health and Addiction Services certify those individuals. Senator Thomas asked how the process then worked with Medicaid. Mr. Tassie stated if an individual applies to become a Medicaid provider and the search of the public records databases identifies an individual of that name has been convicted of an offense, then ODM will run a background check.

Senator Thomas asked if Mr. Tassie was saying that a person who had an offense but since turned their life around for the better would not be able to obtain a Medicaid provider number under any circumstance. Mr. Tassie stated O.R.C. 5164.34 does not allow an individual to obtain a Medicaid provider number if the individual has any of the disqualifying offenses.

Senator Skindell stated Mr. Tassie believes the Department's hands are tied with this issue when it comes to O.R.C. 5164.34. Mr. Tassie stated if the Department does a background check and the check indicates the individual has a disqualifying offense ODM cannot enroll that individual as a Medicaid provider. Senator Skindell stated if the Department does a background check and there is a disqualifying offense the Department cannot enroll that individual as a Medicaid provider. Mr. Tassie stated Senator Skindell was correct. Senator Skindell asked what gave the Department the authority to provide the exclusionary periods. Mr. Tassie stated there was a provision in the statute that states an individual cannot be enrolled as a Medicaid provider, regardless of the amount of time that has occurred since the time of the plea of guilty to or conviction of the offense, unless ODM promulgates rules that identify the circumstances under which an individual can be enrolled as a Medicaid provider. Mr. Tassie stated ODM has done that through the tiered structure.

Senator Skindell stated the statute states unless the Department adopts rules outlining the circumstances in which the individuals can be enrolled. Senator Skindell stated the Department's hands are not tied and the Department can by rule allow the peer services to be provided as long as the circumstances are within rule. Mr. Tassie believes Senator Skindell is misunderstanding his testimony from earlier. Senator Skindell believes the proposed rule violates legislative intent concerning collateral sanctions in Ohio. Senator Skindell moved to recommend invalidation of proposed rule 5160-1-17.8. Senator Thomas seconded the motion.

Chairman Uecker temporarily recessed the Committee at 2:38 p.m. to allow the Committee members to caucus. The Republicans caucused in room 44 while the Democrats caucused in room 45. Representative Duffey did not caucus. The Committee was called back to order at 3:14 p.m.

Chairman Uecker stated before the Committee is a motion to recommend invalidation. Chairman Uecker believes what is before the Committee is a conundrum. Chairman Uecker stated many believe that without the proposed rule and the emergency rule expires, ODM will revert to existing rule, which then would not allow many individuals to be Medicaid providers. Chairman Uecker stated some are not willing to allow that to happen. Chairman Uecker stated if the Committee passes a recommendation for invalidation, many individuals will lose their jobs. Chairman Uecker stated there is a conflict in the law that needs to be worked on by legislators.

Chairman Uecker stated Medicaid had committed to reviewing the rule within a year and working with the legislature to solve this conundrum. Chairman Uecker expressed his hope that the Committee does not pass a recommendation for invalidation for the proposed rule. Chairman Uecker stated he would like the Committee to take advantage of the one-year review date ODM is proposing to allow the legislature to do its job.

Senator Thomas asked if there was any guarantee individuals will not be removed from their position. Chairman Uecker stated once the new rule ODM has proposed goes into effect it will give individuals a one-year grace period to apply for a CQE. Chairman Uecker stated that one-year gives the legislature time to fix certain aspects in statute. Senator Thomas believes the concerns can be addressed and fixed within a month. Chairman Uecker stated between now and the next JCARR meeting the emergency rule expires and at that point ODM will revert to the original rule and people will be fired. Senator Thomas asked if the JCARR Committee could fix the rule by the time the emergency expires. Chairman Uecker stated "no." Senator Thomas asked if the Governor could write an additional executive order. Chairman Uecker stated, "No, he cannot."

Representative Ramos asked if there was a procedure that would allow ODM to file a new emergency rule. Representative Duffey stated ODM could file the rule with JCARR prior to the one-year review date. Representative Ramos asked if ODM could refile the rule to change the review date from October 1, 2019 to December 31, 2018. Chairman Uecker stated regardless of the administration, the rule would have to come back to JCARR by the review date.

Senator Skindell asked if ODM could withdraw the rule now and bring back a revised rule for the October meeting. Chairman Uecker stated it was up to ODM. Senator Skindell asked if the Committee could hear the witness testimony prior to the vote to recommend invalidation of the proposed rule. Chairman Uecker stated Senator Skindell could remove his motion and then the Committee could hear testimony. Chairman Uecker stated Senator Skindell could then re-make the motion before the Committee adjourns. Senator Skindell asked again if ODM could withdraw the rule now and bring back a revised rule for the October meeting. Executive Director Larry Wolpert stated if an agency refiles a rule JCARR has to have at least 30 days of legislative oversight. Director Wolpert stated the Department is in charge of refileing the rule. Senator Skindell withdrew his motion and Senator Thomas withdrew his second so that the Committee could hear the testimony.

Chairman Uecker called Teresa Lampl, The Ohio Council of Behavioral Health and Family Services Providers, to offer opponent testimony. Ms. Lampl believes the proposed new rule conflicts with other state agency rules, is inconsistent with legislative intent, and creates an adverse impact on business. Ms. Lampl asked the Committee to set aside the proposed new rule for 30 days so ODM and the interested stakeholders can come together to solve the problem.

Senator Skindell asked if the Council would consider ODM adding a provision where some convictions do not disqualify peer-to-peer services. Ms. Lampl stated "yes." Senator Skindell asked if the proposed rule would harm more people than help. Ms. Lampl stated there was a workforce shortage today so any unnecessary loss would create an unnecessary challenge. Senator Skindell asked if the Council would support ODM placing the proposed rule in To Be Refiled (TBR) status to work with interested parties to address issues. Ms. Lampl stated the Council was interested in a path forward that preserves the workforce.

Representative Ramos asked if an individual would be less likely to become a peer-to-peer support person if they have to wait for 5 years due to criminal records. Ms. Lampl stated the challenge of having a five-year, seven-year, ten-year or permanent exclusion results in a disruption of the workforce. Senator Thomas asked how many clients a peer recovery support person had at any given time. Ms. Lampl stated the number of clients would vary at any given time. Senator Thomas asked what would happen to the clients if their peer recovery support person was terminated. Ms. Lampl stated organizations would try their best to maintain services to those clients. There were no further questions for the witness.

Chairman Uecker called Mary Wachtel, Public Children Services Association of Ohio, to offer opponent testimony. Ms. Wachtel believes the proposed new rule is inconsistent with legislative intent, creates an adverse business impact, conflicts with other agency rules, and has an inaccurate Rule Summary and Fiscal Analysis (RSFA). Ms. Wachtel recommended ODM revise the proposed new rule to create an exemption for state licensed or certified healthcare practitioners with a criminal offense that meets the requirements of the "limited risk" screening to allow enrollment as a Medicaid provider. There were no questions for the witness.

Chairman Uecker called Colleen Dempsey, National Association of Social Workers, to offer opponent testimony. Ms. Dempsey believes proposed new rule 5160-1-17.8 limits employment options for social workers and the rule is duplicative. Ms. Dempsey asked the Committee to consider the harm that will be caused when vulnerable Ohioans cannot access behavioral healthcare due to provider shortage. There were no questions for the witness.

Chairman Uecker called Megan O'Dell, Ohio Poverty Law Center, to offer opponent testimony. Ms. O'Dell believes the proposed new rule conflicts with the direction of the General Assembly and the Administration. Ms. O'Dell explained the limitation of the CQE and stated support for the CSI recommendations. Chairman Uecker stated JCARR staff has been in contact with the Judicial Conference in regards to the CQE process. Senator Skindell read former Justice Evelyn Stratton's concern with the CQE process. Senator Skindell asked if Ms. O'Dell agreed with Justice Stratton. Ms. O'Dell stated she would agree. There were no further questions for the witness.

Chairman Uecker called Pam Johnson, The Recovery Council, to offer opponent testimony. Ms. Johnson believes the proposed new rule conflicts with other rules, creates an adverse impact on business, and conflicts with legislative intent. Ms. Johnson recommended the proposed new rule be revised to create an exemption for state licensed or certified healthcare practitioners with a criminal offense that have met the requirements of the "limited risk" screening to allow enrollment as a Medicaid provider as recommended by CSIO.

Senator Skindell read Representative Bill Seitz's statement to JCARR regarding the proposed rule conflicting with legislative intent. Senator Skindell asked if Ms. Johnson believes the proposed rule is contrary to legislative intent regarding collateral sanctions. Ms. Johnson stated "yes." Senator Thomas

asked if ODM or the JCARR Committee could grandfather current individuals into the proposed rule. Chairman Uecker stated he did not believe the JCARR Committee had the authority to do that.

Senator Thomas asked where the rule was that allows them to currently work as a Medicaid provider. Senator Skindell stated the Chairman was correct that JCARR does not have the authority to grandfather individuals into the proposed rule. Senator Skindell stated ODM could place the rule in TBR status and put grandfather language into the rule for the individuals. Chairman Uecker stated time wise that does not work. Senator Thomas stated he understood but it did not make sense to move this proposed rule forward at this time since it would create a larger problem for the State of Ohio. There were no further questions for the witness.

Chairman Uecker called Amy Lynn Fyffe, The Recovery Council, to offer opponent testimony. Ms. Fyffe believes the CQE process is lengthy, time consuming, costly, and emotionally taxing. Ms. Fyffe recommended the proposed new rule be revised to create an exemption for state licensed or certified healthcare practitioners with a criminal offense that have met the requirements of the "limited risk" screening to allow enrollment as a Medicaid provider as recommended by CSIO. There were no questions for the witness.

Chairman Uecker called Lisa Ashafa, Coleman Professional Services, to offer opponent testimony. Ms. Ashafa believes the proposed new rule is creating a shortage of license individuals. There were no questions for the witness.

Senator Thomas asked what the least amount of time the Committee could consider to fix this problem. Director Wolpert stated JCARR does not have authority to fix anything. Director Wolpert stated all the Committee can look at are the various six JCARR prongs. Director Wolpert stated the emergency rule expires October 27, 2018 and if the proposed rule before the Committee is not in place, we revert to a rule where many individuals will lose their jobs. Director Wolpert stated his recommendation to the Committee is a legislative fix that requires ODM to accept certification from various Boards or Commissions.

Senator Thomas asked what ODM could do to put this proposed rule on hold until there is a legislative fix. Director Wolpert stated putting the proposed rule in TBR status would not work and more individuals would lose their ability to practice. Director Wolpert stated after the Committee meeting ODM could revise the rule at any time. Senator Thomas stated ODM could amend the rule if they choose to. Director Wolpert stated "yes." Senator Thomas asked how ODM could buy time between now and when the legislature can fix the problem. Director Wolpert stated ODM could make changes to the proposed rule but there are specific time frames under the statutes.

Ms. Ashafa asked if the proposed rule before the Committee allows individuals who have been denied a Medicaid provider the chance to apply for a CQE and work from now until October 1, 2019. Chairman Uecker stated if the individual applies for a CQE. Ms. Ashafa stated the CQE is mandatory to obtain a Medicaid provider number regardless if it is applied for October 2018 or October 2019. Chairman Uecker stated the individual would not lose their job while they are seeking their CQE.

Mr. Tassie stated as long as the individual has applied for the CQE they would be able to obtain a Medicaid provider number until the earlier of their CQE being denied or October 1, 2019, which is the five-year review date for the proposed rule. Ms. Ashafa stated she had an individual with her who is a certified peer recovery supporter who applied for a Medicaid provider number and was approved. Ms. Ashafa stated within 30 days the Medicaid provider number was revoked because of her criminal background.

Ms. Ashafa stated the individual has applied for a CQE and asked how the individual can obtain a Medicaid provider number. Mr. Tassie stated the individual should reach out to the provider enrollment staff because based on the revised proposed rule the individual would be able to have a Medicaid provider number while the CQE was pending. Ms. Ashafa stated an individual that applies for a CQE will be approved for a Medicaid provider number up until October 1, 2019. Mr. Tassie stated assuming the individual meets the other qualifications for being enrolled. There were no further questions from Ms. Ashafa.

Representative Duffey stated if the Department wishes to create a new rule after the proposed rule is implemented it would take 76 days to come back to the JCARR Committee which Representative Duffey estimated to be December 1, 2018. Representative Duffey stated if the legislature passed a statutory law it could be as early as November 2018. Senator Thomas thanked Representative Duffey.

Chairman Uecker called Steve Carrel, Muskingum Behavioral Health, to offer opponent testimony. Mr. Carrel believes the proposed new rule conflicts with legislative intent, conflicts with other rules, and creates an adverse impact on business. Mr. Carrel recommended the proposed new rule be revised to create an exemption for state licensed or certified healthcare practitioners with a criminal offense that have met the requirements of the "limited risk" screening to allow enrollment as a Medicaid provider as recommended by CSIO.

Senator Skindell stated the proposed rule creates a second layer of criminal records checks and that the employers or licensing agencies have already completed a background check. Mr. Carrel stated his employee had submitted a criminal background check to the Chemical Dependency Professionals Board. Chairman Uecker believes not every licensing board performs a background check. Mr. Carrel stated the licensing boards he has ever worked with complete a background check. Chairman Uecker stated the Chemical Dependency Professionals Board does not always complete a background check.

Chairman Uecker stated the Board only completes the background check if the individual self identifies. Mr. Carrel stated Mental Health and Addiction Services completes a background check and if he sees an individual lied on their application, they are fired. Chairman Uecker stated the Boards do not always complete a background check and the legislature is going to have to address the issue. Mr. Carrel stated that was a good solution. There were no further questions for the witness.

Chairman Uecker called Dana Pritchett, Muskingum Behavioral Health, to offer opponent testimony. Ms. Pritchett believes item 16 conflicts with other rules, creates an adverse impact on business, and is inconsistent with legislative intent. Ms. Pritchett recommended JCARR require ODM to revise the rule to create an exemption for state licensed or certified healthcare practitioners with a criminal offense that have meet the requirements of the "limited risk" screening to allow enrollment as a Medicaid provider as recommended by CSIO. There were no questions for the witness.

Chairman Uecker called Lois Hochstetler, Marion Area Counseling Center, to offer opponent testimony. Ms. Hochstetler believes the proposed new rule conflicts with other rules, creates an adverse impact on business, and is inconsistent with legislative intent. Ms. Hochstetler recommended ODM revise the rule to create an exemption for state licensed or certified healthcare practitioners with a criminal offense (exceeding mandatory federal exclusions) to allow enrollment as a Medicaid provider as recommended by CSIO. Ms. Hochstetler also recommended language related to the need to terminate providers not able to be credentialed by ODM, be removed from the Ohio Administrative Code (O.A.C.).

Chairman Uecker asked what Ms. Hochstetler believes would happen if the Committee passed a resolution to recommend invalidation of the proposed rule. Ms. Hochstetler stated she understood the Chairman's comments that ODM would revert to the old rule. Senator Thomas asked if legislation could be passed by November to help the individuals that could lose their jobs if the Committee took no action on the proposed rule. Representative Duffey stated if the legislature added an emergency clause in legislation, the earliest date the clause could be passed for the House is November 14, 2018. Senator Thomas stated he would be willing to work in a bi-partisan effort to make the emergency clause happen. There were no further questions for the witness.

Chairman Uecker called Horace W. Payne, Central Community Health Board, to offer opponent testimony. Mr. Payne expressed his concerns with the CQE process. There were no questions for the witness.

Chairman Uecker called Susan Harrod, Coleman Professional Services, to offer opponent testimony. Ms. Harrod spoke to the value and efforts of the individuals working in the field with backgrounds like those they are assisting. There were no questions for the witness.

Chairman Uecker called Scott Beach to offer opponent testimony. Mr. Beach stated he and many of his colleagues would be unable to continue working in the field if the proposed rule is in effect until the year 2022. There were no questions for the witness.

Chairman Uecker called Dottie McNeil, McKinley Hall, to offer opponent testimony. Ms. McNeil asked the Committee to consider revising the proposed new rule for all the others in the field whole have been overcomers, just like her. Senator Thomas stated Ms. McNeil did not just serve the time she let the time serve her as evident by her testimony. Senator Thomas stated it was critical to follow the process Representative Duffey mentioned earlier. There were no questions for the witness.

Chairman Uecker called Margaret Lawrence, Coleman Professional Services, to offer opponent testimony. Ms. Lawrence stated her concerns for clients and employees that would lose their jobs due to the proposed rule. There were no questions for the witness.

Chairman Uecker called Deontrae Ellis, McKinley Hall, to offer opponent testimony. Mr. Ellis stated his place of business would be terribly impacted if the proposed new rule is not revised. There were no questions for the witness.

Chairman Uecker called Sara Hollar, Coleman Professional Services to offer opponent testimony. Ms. Hollar believes the proposed new rule creates additional background checks and restricts an individual who works in the behavioral health field to practice with a Medicaid provider number. Ms. Hollar asked the Committee to reconsider the proposed new rule. There were no further questions for the witness.

Chairman Uecker called Heather Ruble, Coleman Professional Services, to offer opponent testimony. Ms. Ruble believes the proposed new rule is hurting individuals obtaining peer recovery services and victimizes Peer Recovery Supporters with criminal records. Ms. Ruble asked the Committee to reconsider the proposed new rule. There were no questions for the witness.

Chairman Uecker called Abby Vorhees, Coleman Professional Services, to offer opponent testimony. Ms. Vorhees stated her frustration and concerns with the CQE process. There were no questions for the witness.

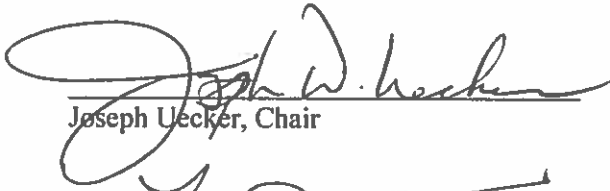
Chairman Uecker called Phil Bowers, Coleman Professional Services, to offer opponent testimony. Mr. Bowers expressed his desire to make a difference and commended his colleges. There were no questions for the witness.

Chairman Uecker called Mr. Tassie to provide comments to the Committee. Mr. Tassie stated ODM has heard the concerns of the witnesses. Mr. Tassie believes no one has raised concerns regarding the JCARR prongs. There were no questions for the witness.

Senator Skindell stated the current proposed rule violates O.R.C. 106.021 (B) and (F) and proposed a motion under O.R.C. 106.022 to revise and refile rule 5160-1-17.8. Representative Ramos seconded the motion. Deputy Director Fouche called the roll. Senators Uecker, Bacon and Representatives Duffey, Manning declined to support the authorization to revise and refile the rule. Senators Skindell, Thomas, and Representative Ramos voted to support the authorization to revise and refile the rule. Chairman Uecker stated the motion failed.

Chairman Uecker reminded the public of the next JCARR meeting on Monday, October 15, 2018 at 1:30 p.m. in the Senate Finance Hearing Room.

Chairman Uecker adjourned the meeting at 5:52 p.m.



Joseph Uecker, Chair



Larry Wolpert, Director