

OHIO GENERAL ASSEMBLY  
JOINT COMMITTEE ON AGENCY RULE REVIEW

**SENATE MEMBERS**

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KRISTIN BOGGS  
DAN RAMOS

**September 18, 2017**

Chairman Duffey called the meeting to order at 1:33 p.m.

Deputy Director Fouche called the role. Representatives Duffey, Gavarone, Manning, Boggs, Ramos and Senators Uecker, Balderson, Kunze, and Skindell were in attendance. Senator Thomas was excused from the meeting. Deputy Director Fouche stated a quorum was present. Chairman Duffey asked the Committee members to review the July 31, 2017 minutes. The minutes were approved as presented.

Director Wolpert read the No Change Agenda. Chairman Duffey 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. Items 2, 8, and 9 were moved to the review portion of the agenda. Chairman Duffey called for questions or comments on the Regular Agenda. There were no questions from the Committee or public. Chairman Duffey temporarily recessed the Committee at 1:36 p.m.

Chairman Duffey called the meeting back to order at 1:37 p.m. to address the review portion of the agenda. Chairman Duffey called Selina G. Jackson, Ohio Department of Health, to answer questions from the Committee. Representative Gavarone asked Ms. Jackson to speak about infant surrenders to fire departments that may not be fully staffed for the entire 24 hours due to emergency situations. Ms. Jackson stated the Department of Health and stakeholders believe the safety and security of the surrendered infant is paramount. The Department needs to ensure someone would be there at the facilities that was authorized under the Safe Haven legislation to take possession of the infant. Ms. Jackson stated the units can be locked so that an infant is not surrendered to that unit while no one is there to respond. Ms. Jackson stated the Department feels that is essential in protecting the health and safety of the infant. There were no further questions for the witness.

Chairman Duffey called Teresa Lampl, The Ohio Council of Behavioral Health and Family Services Providers, for opponent testimony regarding items 8 and 9. Ms. Lampl stated the Council had three concerns with the Behavioral Health rules before JCARR. The concerns were with the Federal Medicaid authority for "bundled" services authorized in O.A.C. Chapter 5160-27, the Medicaid Behavioral Health Provider Manual, and place of service codes.

Senator Skindell asked if there were any outstanding record requests with the Department that were essential for Ms. Lampl to access this issue. Ms. Lampl stated they had asked for all additional materials relevant from CMS to the Department and it was deemed the request was too broad. Ms. Lampl stated the Council will be amending the request. Senator Skindell asked what assurances Ms. Lampl was looking for. Ms. Lampl stated the Council wanted to make sure that these services are actually covered under the state plan with which the rules support in a consistent manner. Senator Skindell asked what was in the manual that is not covered by the rules that Ms. Lampl thinks reaches to the level that the manual should

fall within an O.R.C. 119 rule. Ms. Lampl stated there were things in the manual that described payment that was not found in the rules. There were no further questions for the witness.

Chairman Duffey called Jim Tassie, Ohio Department of Medicaid, to provide comments and answer questions from the Committee. Mr. Tassie stated the Federal Medicaid authority for bundled services does not rise to the level of a JCARR prong. Mr. Tassie stated the Department's conversation with CMS is an ongoing process and they expect to get the state plan amendments approved. Mr. Tassie stated CMS will not approve bundle services. Mr. Tassie stated with regard to the Behavioral Health Provider Manual the Department has told providers and stakeholders that the manual is intended to be an educational resource. Mr. Tassie stated the Department expects providers to follow the Administrative Code and not the manual. Mr. Tassie stated the Department's auditors audit according to the Administrative Code. Mr. Tassie stated the Department revised the manual to indicate the Ohio Administrative Code or Ohio Revised Code would prevail over the Behavioral Health Provider Manual. Mr. Tassie stated the Department was prepared to remove the manual from the proposed rules. Mr. Tassie stated the place of service codes Ms. Lampl mentioned are national standards that have been adopted across all federal payers and have been incorporated for the entire Medicaid program via the Department's claim submission and payment rule. Mr. Tassie stated the Department believes they have already adopted the place of service definitions into rule. Mr. Tassie stated the only way the Department could meet the January 1, 2018 statutory deadline would be to have the proposed rules finalized by October 1, 2017.

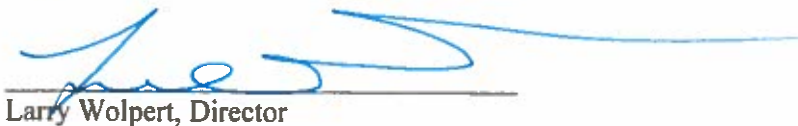
Chairman Duffey cautioned all agencies to make sure they are complying with the O.R.C. 119 process. Chairman Duffey stated the Committee's guidance was to be as detailed as possible. Senator Skindell asked why the Department did not incorporate the manual within the rule. Mr. Tassie stated the manual was designed to help providers with the transition from the old coding structure to the newer national standards. There were no further questions for the witness.

Chairman Duffey reminded the public of the next JCARR meeting on Monday, October 2, 2017 at 1:30 p.m. in the William McKinley Hearing Room.

Chairman Duffey adjourned the meeting at 2:03 p.m.



Mike Duffey, Chair



Larry Wolpert, Director