



## Common Sense Initiative

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

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Tommi Potter, Ohio Department of Medicaid

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** September 16, 2020

**RE:** **CSI Review – Electronic Visit Verification (OAC 5160-1-40)**

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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 Agency 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 August 13, 2020, and the public comment period was held open through August 20, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on August 13, 2020.

Ohio Administrative Code 5160-1-40 requires providers to use electronic visit verification (EVV) systems to verify the provision of a service provided through Medicaid. Providers of services that include home health nursing and aides, private duty and waiver nursing services, personal care aides, home care attendants, and homemaker personal care will utilize EVV systems to collect data regarding services. The rule is being amended to remove certain data collection requirements.

During early stakeholder outreach, ODM reviewed the rule with providers, health care organizations, professional associations, and government agencies. ODM received comments that approved of the flexibility provided by the rule amendments. No comments were received during

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the CSI public comment period.

The business community affected by the rule includes Medicaid fee-for-service and managed care providers who provide certain services, including home health nursing, home care attendants, and others. The adverse impact created by the rule includes the administrative burden of collecting demographic information and capturing visit data during service provision. ODM notes in the BIA that the time and effort required to comply with the rule can vary based on the number of individuals served by providers. ODM states that the rule is necessary to maintain the current level of federal funding for Ohio's Medicaid program.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio Department of Medicaid should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.