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The Ohio Council of Behavioral Health & Family Services Providers supports the intent of the behavioral health (BH) Redesign and has a long history of advocating for a modernized and updated set of behavioral health services that pre-dates this ODM and MHAS initiative. We have valued and supported the Ohio Department of Medicaid (ODM) and Mental Health and Addiction Services (MHAS) commitment to assuring the BH Redesign will, at a minimum, sustain access and capacity for treatment services needed by individuals, children and families that face mental illness and/or the disease of addiction and allow providers to fully utilize the existing behavioral health workforce. As presently designed, there are several remaining policy and reimbursement issues that will not achieve this goal.

The Ohio Council wants to preserve access to behavioral health and addiction services statewide. To support all our members, we have been actively advocating for three specific amendments in the state budget that would: 1) support timely payment and provide cash flow during the transition (The Coalition for Healthy Communities sent a letter, which is attached, that was signed by NAMI-Ohio, Drug Free Action Alliance, the Ohio Association of County Behavioral Health Authorities, and the Ohio Council supporting the timely payment amendment); 2) require ODM to demonstrate IT readiness across all services with accurate reimbursement; 3) allow provider that are ready to be “early adopters” of the BH Redesign coding/payment rates. The Ohio Council supports the diversity of our membership in our state budget advocacy. We value the diversity of our membership that includes large, multi-site provider organizations that span multiple counties to small, rural providers serving a single county, and the populations of Ohioans they serve.

The Ohio Council and its members expressed concern about ODM and MHAS lack of readiness to implement redesign on July 1. For the past two years, providers, stakeholders, and the Ohio Council have consistently participated in the ODM and MHAS stakeholder meetings raising a number of issues that were not resolved. Throughout the state budget process, the Ohio Council along with over 20 of our member organizations, other statewide provider organizations, and other stakeholders presented public testimony expressing concerns with the lack of readiness of ODM and MHAS to implement BH Redesign by their preferred July 1, 2017 implementation date. Legislators heard those concerns during committee hearings and from constituents at home in their districts. Both the House and Senate were concerned and used their legislative authority to propose a six-month delay of the BH Redesign.

ODM and MHAS had an opportunity to eliminate the proposed BH Redesign delay. During the House budget process, Representative Robert Sprague held a series of Interested Parties meeting with ODM, MHAS and stakeholder groups including the Ohio Council. Rep. Sprague indicated the House was willing to remove the language delaying the BH Redesign implementation by six months and allow ODM and MHAS to proceed with July 1, 2017 if several key issues involving reimbursement rates for crisis services, group counseling, and MH day treatment were resolved and additional provisions were included to demonstrate IT readiness and assure timely payments and provider cash flow during the transition. Although initial discussions yielded some compromises, ODM and MHAS chose to step away from the negotiations to pursue their July 1 implementation timeline in the Senate without any compromise.

The ODM rules contained issues that required JCARR to act. The Ohio Council has consistently raised concerns and made recommendations to fix issues with the ODM rules after they were released. We met with JCARR members during the week preceding the May 30th JCARR hearing to identify issues that we felt rose to violations of the JCARR prongs. Through that process, JCARR requested and ODM agreed to place the rules in “to be refiled status”. On June 14, 2017, JCARR Chairman Mike Duffey held an interested parties meeting where ODM and the Ohio Council discussed the JCARR issues with the proposed ODM rules. ODM agreed to make a number of language changes, memorialized by the Ohio Council in the attached memo. The Ohio Council also raised our ongoing concerns with two issues: the ODM outpatient hospital reimbursement rule and the Medicaid BH provider manual, which is not incorporated or referenced in administrative rule. Subsequently, a legal analysis prepared by the Vory’s law firm on the Medicaid BH Provider Manual was shared with JCARR and is also attached.

The Ohio Council stands ready to collaborate with the administration and the legislature to successfully implement the BH Redesign. Our advocacy has always been focused on the individuals, children, and families that provider organization serve every day in local communities. We must resolve the longstanding policy and payment issues in order to maintain access and capacity for treatment services and utilize the workforce now serving Ohioans statewide.

Date: June 20, 2017