



Comment on Proposed Administrative Rule Changes: Optional Enrollment for DD into Medicaid Managed Care

The Ohio Association of County Boards of Developmental Disabilities (OACB) appreciates the opportunity to provide comment to the Ohio Department of Medicaid (ODE) on proposed rules that would allow people with developmental disabilities the option to enroll into Medicaid managed care. These draft rule changes include OAC 5160-26-02 *eligibility and enrollment*; 5160-26-02.1 *termination of enrollment*; 5160-26-03 *covered services*; 5160-58-02 *MyCare plans: eligibility and enrollment*; and 5160-58-02.1 *MyCare plans: termination of enrollment*.

OACB supports policies that would improve health outcomes for people with developmental disabilities, including care management such as Medicaid managed care. However, this population is unlike any other Medicaid managed care population due to their reliance on support structures for daily living. As such, special attention must be given to this population so that they have options to determine the best fit for their individual situation.

OACB's comments focus on concerns related to the lack of detail in certain areas that is important to navigate all potential scenarios with this vulnerable population. OACB requests that additional detail be included in the rules in the following areas:

MyCare

While a person over 18 who qualifies for both Medicaid and Medicare has choice regarding the managed care plan they join, enrollment in MyCare itself is mandatory in certain regions of the state. Rule 5160-58-02 is clear regarding plan choice for the mandatory population but not for optional enrollees.

The rule allows people with developmental disabilities the option to enroll in MyCare, so the assumption is that people with developmental disabilities are not part of the mandated population and therefore those portions of the rule do not apply. However, the details around plan choice are only included in section (B)(2) of OAC 5160-58-02, which applies only to the mandated population. As written, it appears that ODM will assign people with developmental disabilities that optionally enroll to a plan, and that optional groups will not have a choice.

Regardless of how they enroll, people should have the choice of which plan will serve them. As such, more detail should be put into the rule to clarify the enrollment process for the optional population, and ODM should not be given the discretion to enroll a person from an optional group into a plan without their consent.

Similarly, OAC 5160-58-02.1 outlines termination of MyCare enrollment but nothing in the rule covers termination of enrollment for the optional population. As written, a person who chooses to opt-in to

MyCare would not have the option to un-enroll unless they meet one of the reasons specified in section (A) of the rule. OACB believes that those that have optionally enrolled into MyCare should also have the ability to opt-out of MyCare without needing “just cause.”

Medicaid Managed Care

Similar to our comments on MyCare, detail is lacking in the other Medicaid managed care rules as it pertains to enrollment and un-enrollment.

OAC 5160-26-02 provides no specificity regarding choice for people who optionally enroll. The rule only outlines choice details for geographic regions that shift from voluntary to mandatory enrollment. Again, people should have the choice of which plan will serve them. As such, more detail should be put into the rule to clarify options for those who choose to enroll, and ODM should not be given the discretion to enroll a person from an optional group into a plan without their consent.

Lastly, OACB has the same concern in OAC 5160-26-02.1 as in MyCare rule OAC 5160-58-02.1. People with developmental disability can optionally enroll in Medicaid managed care so the details that govern the mandatory enrollment population do not apply to the optional enrollment population. However, rule draft OAC 5160-26-02.1 makes no distinction between these populations. In fact, as written an optional enrollee would only be able to terminate their membership if they no longer qualify or for “just cause.” By definition, an optional enrollee should not need just cause to terminate. Rather they should have the ability to terminate for any reason.

OACB requests that additions are made to the draft rules to address these areas. OACB is happy to provide additional feedback and support for the development of these rules. Thank you for the opportunity to provide feedback, and please do not hesitate to contact us should you need additional assistance. For questions regarding this testimony please contact Joe Russell at jrussell@oacbdc.org. Thank you for your consideration.