



April 10, 2018

Ms. Barbara Sears
Director, Ohio Department of Medicaid
50 West Town Street, Suite 400
Columbus, Ohio 43215

Dear Director Sears,

The Ohio Association of Community Health Centers appreciates the opportunity to submit comments on proposed **Rule 5160-1-17.12 “qualified entity requirements and responsibilities”** and its impact on Ohio’s Community Health Centers. The proposed rule provides guidance and we share the Department’s commitment to maintain program integrity and prevent invalid PE determinations. We also greatly appreciate that our recommendations made during the review of the initial draft regulation were incorporated into the new proposed rules.

As you know, OACHC represents Ohio’s 52 FQHCs (or Community Health Centers) which deliver accessible, affordable, high-quality primary and preventive health care to more than 751,000 Ohioans each year – regardless of their insurance status or ability to pay. Ohio’s Community Health Centers offer an innovative model of care that removes barriers and health disparities, lowers health system costs and allows communities to lead in the direction of their own care.

Ohio’s Community Health Centers have a proven record of delivering high-quality, low-cost health care, coupled with a strong presence in impoverished urban neighborhoods and small towns and rural counties. Ohio’s Certified Application Counselors (CACs) have become a trusted resource in these communities as they provide Ohioans (both patients and non-patients) free information and assistance with signing up for health insurance and Medicaid. Moreover, as Qualified Entities, health centers are able to assist more Ohioans through enabling front-desk staff and MITS agents to determine presumptive eligibility (PE) for individuals.

Our member health centers commit to remain in good standing as a Medicaid provider and to follow all other federal and state laws when determining PE. We are, however, **concerned with Section C6 of proposed rule 5160-1-17.12**. This section, “requires QE who is a hospital or Federally Qualified Health Center (FQHC) to provide thirty-six hours’ worth of medically necessary medication to any person enrolled presumptively by the QE at time of determination.” In situations where this is feasible, Health Centers will adhere to this requirement. Although since only 15 percent of our centers have onsite pharmacies (this amounts to roughly 45 of our nearly 300 delivery care sites), this requirement is oftentimes unattainable.

We respectfully request an exemption to the provision that Ohio’s FQHCs provide thirty-six hours of medically necessary medication at the time of a PE determination. This request is only made because many FQHCs are truly unable to meet this requirement. Furthermore, this provision was not listed as part of the original [“Acknowledgement of Terms and Condition Governing the Presumptive Eligibility Determinations Authority Granted by the Ohio Department of Medicaid to a Qualified Entity”](#) that the new CSI Business Impact Analysis concurs will be the standing acknowledgement form even after implementation of this rule (p. 4, number 8).

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As requested, please see the following suggested language options to be incorporated into the rule:

- **OPTION 1:** Section C6, FQHCs are stricken from the rule: (6) If the QE is a hospital ~~or Federally Qualified Health Center (FQHC)~~, agree to provide thirty-six hours' worth of medically necessary medications to any person enrolled presumptively by the QE at time of determination;
- **OPTION 2:** Strike FQHC in C6 (as seen above) and add section, C7 to say, "If the QE is a Federally Qualified Health Center, (FQHC), it shall make every attempt to furnish thirty-six hours' of medically necessary medications when needs are determined during a medical visit."

We are proud that our state was one of the first in the nation to grant Federally Qualified Health Centers (FQHCs) 'qualified entity' status for all populations. For many, the immediate health coverage of PE offers a lifeline and a springboard to better health outcomes. On behalf of our 52 member Health Centers, thank you for this opportunity to offer our concern for our member Community Health Centers on Rule 5160-1-17.12. Please contact me or our Chief Operating Officer Julie DiRossi-King at 614.884.3101, ext 226 if you need additional information or clarification.

Sincerely,

A handwritten signature in cursive script that reads "Randy Runyon".

Randy Runyon
President & CEO