



**Ohio Department
of Medicaid**

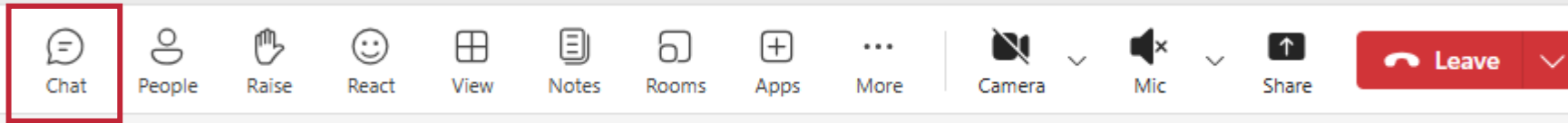
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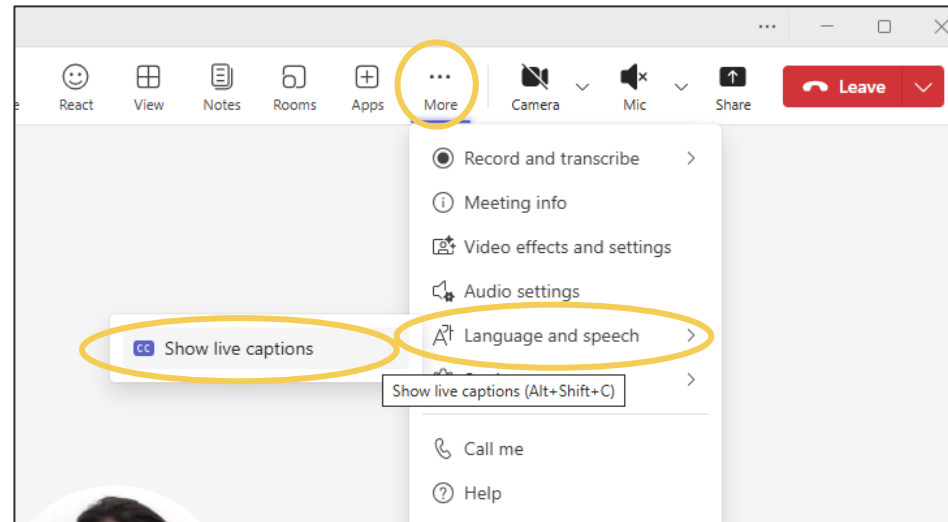


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Agenda

Background

Overview of rules applicable to BH services in nursing facilities

Overview of CBH service utilization data in nursing facilities

Intended revisions to CBH service rules that will impact services rendered in a NF

Background

- Ohio Department of Medicaid is going through our 5 year rule review for community behavioral health services and has identified the need to refine definitions, taxonomy, and requirements after implementing Next Generation Managed Care, OhioRISE, and new statewide services like Mobile Response and Stabilization Services (MRSS).
- Updated Ohio Administrative Code rules, along with enhanced utilization management, aim to ensure access to quality services and reduce fraud, waste, and abuse.
 - Community Behavioral Health (CBH) rules were originally intended to support multiple evidence-based practices but ended up too broad, making them vulnerable to being used for profit rather than quality care.
 - Unclear language in current rules creates confusion for members, providers, Managed Care Entities (MCEs), and state agencies.

Today's Community Behavioral Health rules for review -

- 5160-27-02 Coverage and limitations of behavioral health services
- 5160-27-03 Reimbursement for community behavioral health services
- 5160-27-08 Mental health therapeutic behavioral services and psychosocial rehabilitation

Applicable rules for BH Services in a SNF/NF

Behavioral Health Compliance Regulations for Nursing Facilities

42 CFR 483.40- Behavioral Health (BH) Services

- Each resident must receive and the facility must provide the necessary BH care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care.
- Facilities must employ sufficiently trained staff, utilize non-pharmacological interventions, and provide medically-related social services to maintain each resident's optimal well-being.
- Based on comprehensive assessments and care plans, residents with BH issues or dementia must receive treatment/services to correct or manage their conditions; residents without diagnosed issues should not develop patterns of withdrawal, depression, or aggression unless unavoidable.

Behavioral Health Compliance Regulations for Nursing Facilities (con't)

42 CFR 483.70- Facility Assessment

- Facilities must perform assessments to identify service needs for all residents, including populations with mental/psychosocial disorders, including trauma and dementia.

42 CFR 483.20–483.21- Comprehensive Care Planning

- Behavioral health needs must be addressed within resident assessments (MDS) and person-centered care plans.

Ohio Administrative Code (OAC) 5160-3-19 (B)

- Behavioral health services: Costs for behavioral health services are paid directly to the provider of services, not through the NF per diem.

Community Behavioral Health Service Definitions & Data Highlights from provision in NFs

Mental health therapeutic behavioral services and psychosocial rehabilitation

[Rule 5160-27-08 - Ohio Administrative Code](#) | [Ohio Laws](#)

Therapeutic Behavioral Service (TBS)

Intention of the service is to provide goal directed supports and solution focused interventions that relate to goals or objectives that have been assessed and were identified in the treatment plan

- *Activities include:*

- solution focused interventions and emotional and behavioral management drawn from evidence-based psychotherapeutic treatments
- Restore social and interpersonal skills to increase community tenure to promote effective functioning in their social environment including work, home and school
- Restore daily functioning specific to managing their own home
- Crisis prevention and amelioration to address triggers that risk remaining in a community setting

Psychosocial Rehabilitation (PSR)

Intention of this service is to compensate for or eliminate functional deficits and interpersonal or mental health barriers associated with a mental health diagnosis

- *Activities include:*

- Restore, rehabilitate and support daily functioning for self-management of interference from the mental health disorder on daily functioning
- Support restoration and implementation of daily functioning for success with remaining in the home, school, work and community
- Rehabilitation and support to restore skills to function in a natural community environment

Community Psychiatric Support Treatment

[Rule 5160-27-03 - Ohio Administrative Code](#) | [Ohio Laws](#)

Community Psychiatric Support Treatment (CPST) –

Intention is to provide services that focus on the ability to succeed in the community, to identify and access needed services and to show improvements in school, work and family and integration and contributions within the community

- *Activities include:*

- Assistance in achieving personal independent to meet basic needs
- Facilitation of daily living skills
- Individual Service Plan coordination
- Symptom monitoring
- Coordination of crisis management as needed
- Mental health interventions...that assist an individual in eliminating barriers to seeking or maintaining education and employment

Observations from data of Community BH services rendered in Place of Service for SNF (31), NF (32) and ALF (13)

Significant and steady increase of behavioral health rehabilitation services, most notably TBS, in nursing facilities since 2021

Extremely high volume of NF claims overall, exceeds claims for services in community behavioral health centers

Highest claims volume is with recipients diagnosed with less severe mental health disorders, in SFY2025:

- 81,054 (10%) claims for Major Depression, in remission, unspecified
- 117,701 (15%) claims for “all other anxiety disorder” (outside of generalized anxiety)

Continuous increase of claims for BH Nursing services in NF from 2021 – 2025

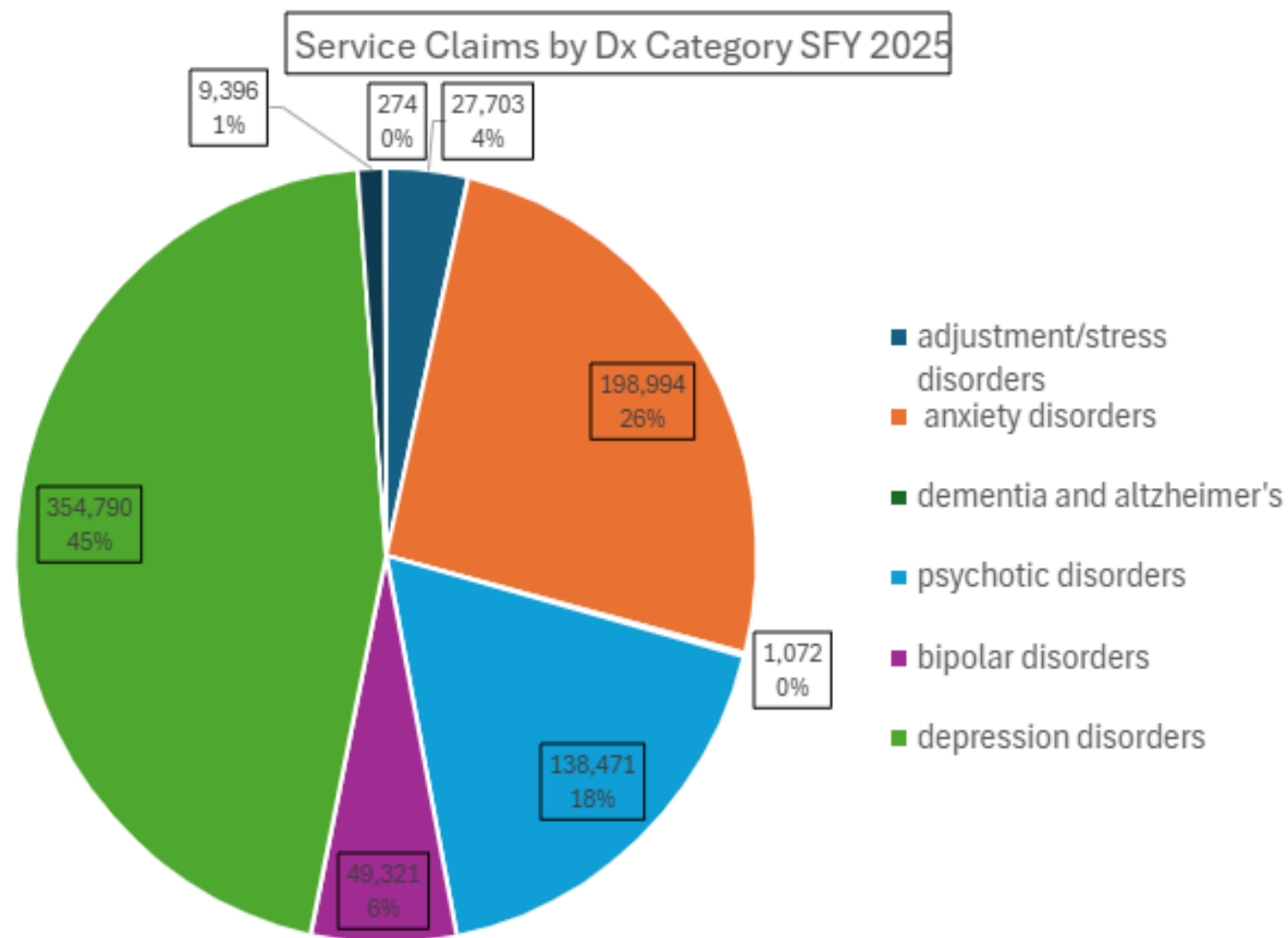
Disproportionately high volume of services billed by paraprofessionals (QMHS)



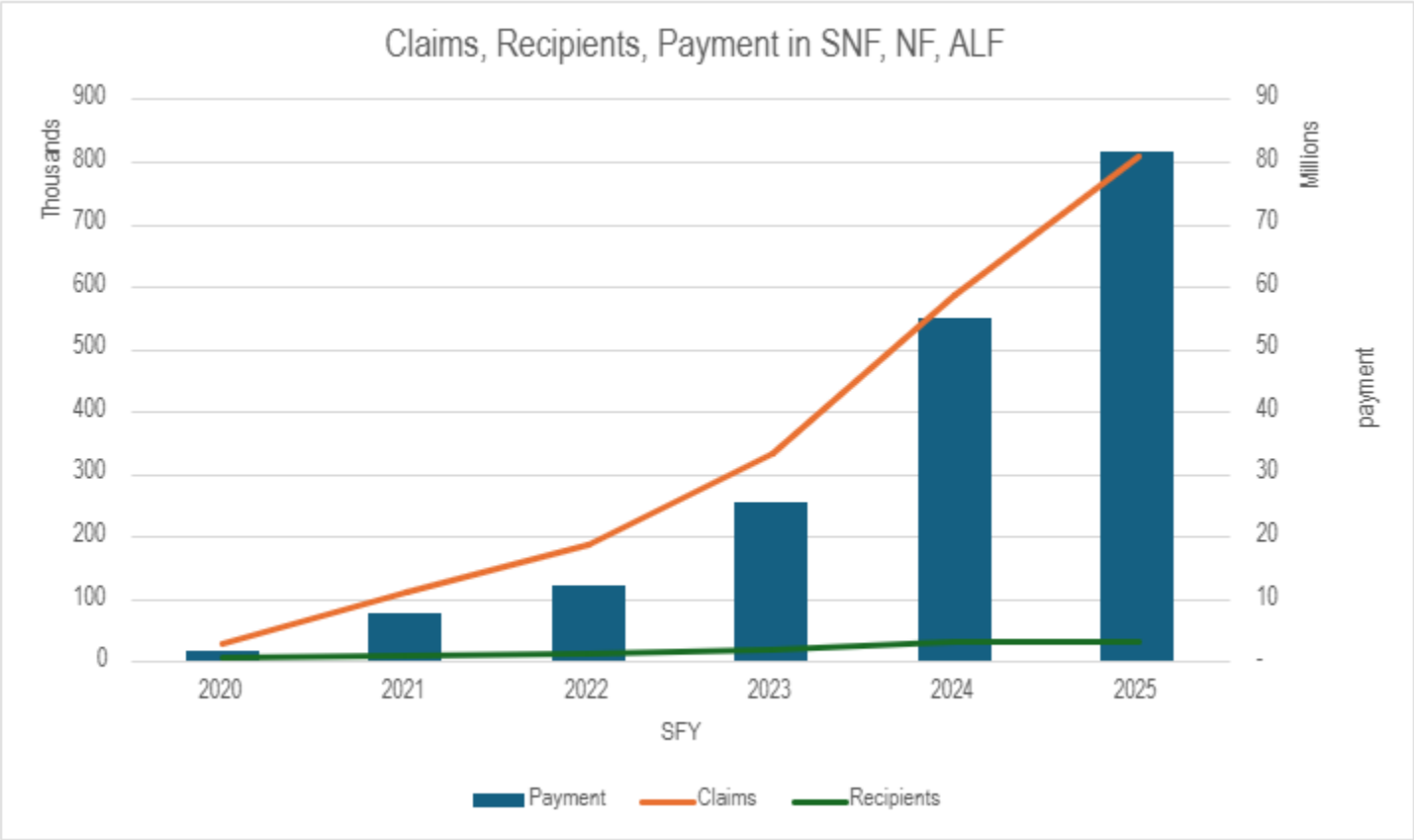
Community BH Services in SNF, NF & ALF: by principle diagnosis

Service claims include:

TBS
PSR
CPST
Psychiatric Eval w/o medical

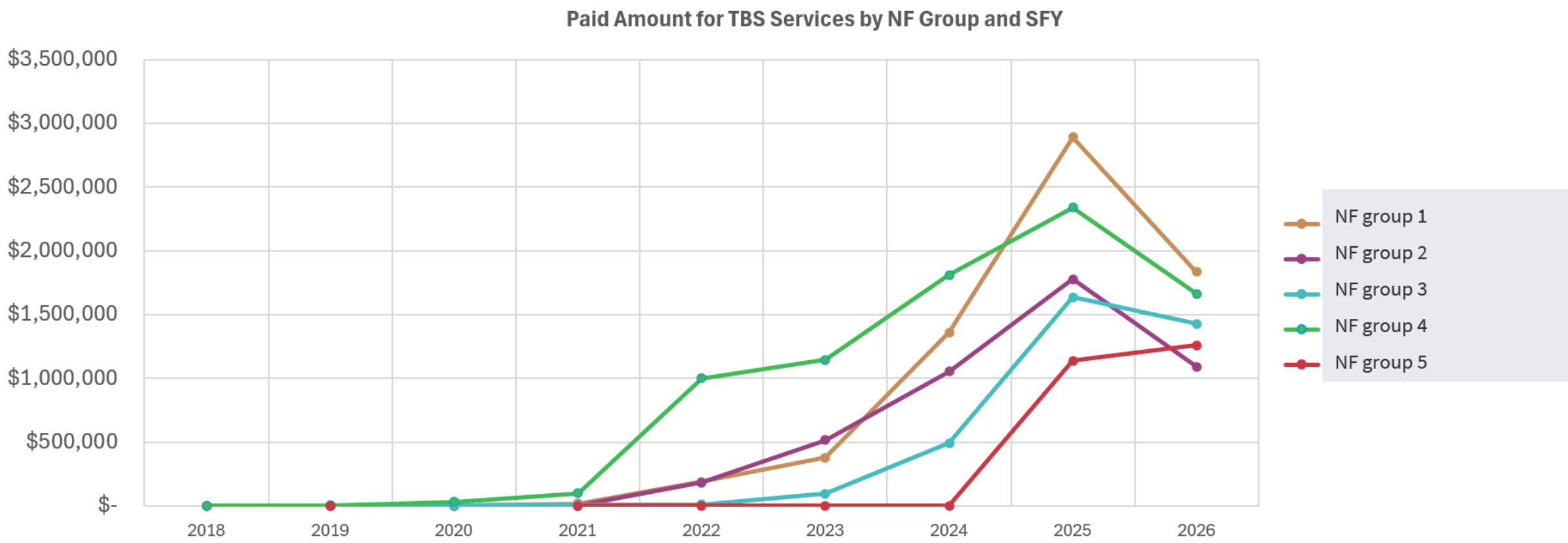


Growth of claims, recipients served and payment for Community BH Services (TBS, PSR, CPST, Psych Eval w/out medical) in SNF, NF & ALS for State Fiscal Years 2020 - 2025



SFY	claims	payment	recipients
2020	29,391	1,801,357	6,469
2021	110,683	7,600,219	10,875
2022	187,058	12,142,209	13,844
2023	333,424	25,396,374	20,550
2024	586,125	54,948,444	32,123
2025	810,470	81,701,669	33,812

Therapeutic Behavioral Services Spend by NF group



Behavioral Health Nursing claims in SNF, NF, ALFs -- defined in OAC-27-11

BH Nursing Services are performed by a RN or LPN and include, but not limited to:

- Healthcare screenings
- Nursing assessments
- Nursing exams
- Checking vital signs
- Monitoring Medication effects
- Behavioral health education
- Collaboration with individual or family

BH Nursing services are billed with TBS code H2019 and the corresponding practitioner modifier:

- TE for LPN
- TD for RN

Time Period: Incurred Year			2020	2021	2022	2023	2024	2025
			Subsets					
			NF POS	NF POS	NF POS	NF POS	NF POS	NF POS
Procedure Code	Provider Type							
H2019	Non-Agency Nurse - RN or LPN	Claims Paid	167	3,289	13,570	34,835	62,616	84,271

Proposed Rule Changes

Rule 5160-27-02 Coverage and limitations of behavioral health services

Proposed Changes:

- Remove CPST as a treatment option
- Clarification on exclusions from what is allowable as a covered behavioral health service
 - **Current language:** recreational and social activities, including but not limited to art, music, equine therapies
 - **Propose adding:** crafts, game play, dance, cosmetology, watching television, movies or other forms of media, snack or meal breaks



OAC 5160-27-08 Mental health therapeutic behavioral services and psychosocial rehabilitation

Proposed Changes:

Therapeutic Behavioral Service – redefine as psychoeducation and supportive counseling informed by evidenced based practice for purpose of reducing interference from symptoms of mental illness

Psychosocial Rehabilitation – redefine as intervention to compensate for co-occurring functional deficits and promote or support independent living in a natural environment; more task oriented to support independent living skills

OAC 5160-27-03 Reimbursement for community behavioral health services

[Rule 5160-27-03 - Ohio Administrative Code](#) | [Ohio Laws](#)

Proposed Changes:

TBS requires prior authorization from day 1

SNF, NF and ALF to be excluded as an allowable place of service for PSR

SNF, NF and ALF to be excluded as an allowable place of service for BH nursing



Next Steps:

The Community BH rules should be publicly posted for comment in October

Our target date for implementing the updated rules is Jan 1, 2027



Thank you

