



**JOHN R. KASICH**  
GOVERNOR  
STATE OF OHIO

December 26, 2012

Director Gary Cohen  
Centers for Medicare and Medicaid Services Center for Consumer Information and Insurance Oversight  
200 Independence Avenue, SW, Suite 739H  
Washington, D.C. 20201  
Electronically submitted via [www.regulations.gov](http://www.regulations.gov)

Dear Director Cohen,

This letter is to provide you with comments on the Proposed Rule 45 CFR Part 156 – Health Insurance Issuer Standards Under the Affordable Care Act, Including Standards Related to Exchanges.

As a preliminary matter, please note that Appendix A of this rule incorrectly describes the proposed benchmark plan for the state of Ohio as providing habilitative services. A review of the plan contract documents for the benchmark plan you selected for Ohio indicates that the plan does not provide for habilitative services and, as such, the Appendix A should indicate “No” in the “Habilitative services” column. This information was previously communicated to your office on December 12, 2012.

Since the benchmark plan you selected for Ohio does not provide for habilitative services, the State of Ohio intends to exercise the authority provided by 45 CFR §156.110(f) to determine habilitative services as the following:

“Habilitative services benefits shall be determined by the individual plans and must include, but shall not be limited to, Habilitative Services to children (0 to 21) with a medical diagnosis of Autism Spectrum disorder which at a minimum shall include:

- (1) Out-Patient Physical Rehabilitation Services including
  - (a) Speech and Language therapy and/or Occupational therapy, performed by a licensed therapists, 20 visits per year of each service; and
  - (b) Clinical Therapeutic Intervention defined as therapies supported by empirical evidence, which include but are not limited to Applied Behavioral Analysis, provided by or under the supervision of a professional who is licensed, certified, or registered by an appropriate agency of this state to perform the services in accordance with a treatment plan, 20 hours per week;
- (2) Mental/Behavioral Health Outpatient Services performed by a licensed Psychologist, Psychiatrist, or Physician to provide consultation, assessment, development and oversight of treatment plans, 30 visits per year total.”

Sincerely,

A handwritten signature in blue ink, appearing to read "John Kasich".

John Kasich  
Governor