

### **4123-6-03.3 MCO participation in the HPP-MCO conditional certification based on MCO capacity.**

An MCO may establish its own capacity based on objective data, which must include at a minimum bureau data related to past claims history for the geographic area to be covered by the MCO, and accordingly may be conditionally certified by the bureau on a county basis. However, if the aggregate number of MCOs within a county does not meet established bureau targets for sufficient capacity within that county to meet the needs of all employees of employers in that county, all MCOs certified or conditionally certified in that county may be required to expand their capacity to meet the needs of all employees of employers in that county.

The bureau may declare an MCO ineligible to solicit or accept selection of the MCO by an employer or assignment of an employer to the MCO by the bureau by placing the MCO at capacity. The bureau shall base such determination on the failure by the MCO to meet predetermined performance criteria set forth in the MCO agreement.

Effective Dates: 1/1/99  
Prior Effective Date: 2/16/96