

Rule Summary and Fiscal Analysis (Part A)**Department of Job and Family Services**

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

Contact

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5101:3-1-09

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Medicaid co-payment program [except for medicaid consumers enrolled in the medicaid managed health care program].**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HBNumber 66** General Assembly: **126**

Sponsor: **Representative Calvert**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5111.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.02, 5111.0112**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To establish a general Medicaid co-payment rule in response to Am. Sub. HB 66 (Section RC 5111.0112).

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Content of this rule includes general principles of the Medicaid co-payment program for dental, vision, non-emergency ER visits and prescription medications. This rule also includes what consumers are affected by the co-payment program and what exclusions apply to the medicaid co-payment program overall. Also, this rule explains that consumers eligible for the disability medical assistance (DMA) program will also be subject to co-payments.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

ODJFS billing instructions as explained in this rule are available at the following internet website: <http://emanuals.odjfs.state.oh.us/emanuals>

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3).

This rule incorporates one or more references to federal laws or the Code of Federal Regulations (CFR). This question is not applicable to those references in this rule because such references are exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(B)(2).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

N/A

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /decrease** either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will decrease expenditures.

\$3,875,350 in SFY 2006

By applying co-payments to dental, vision, non-emergency emergency department services and trade name prescriptions, the department estimates savings of \$3,875,350 in SFY 2006 and \$12,142,667 in SFY 2007.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

The appropriation line items 600-525 and 600-692 authorize all related expenditures.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The department estimates that providers may experience an increase in administrative costs related to collecting and reporting the co-payment for services defined in this rule. The department is unable to estimate this additional costs as

they will likely vary among providers. The department estimates that consumers will experience a cost to comply equal to that of the said co-payment for services. For individual provider and consumer co-payment costs per service or prescription, see the fiscal analysis for each respective OAC rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**