

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

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

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5101:3-1-09

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Co-payments.**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: **HB153**General Assembly: **129**Sponsor: **Amstutz**

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, 5111.0112**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.02, 5111.0112, 5111.172, section 309.37.50 of Am. Sub. H.B. 153, 129th G.A.**

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

To implement provisions of ORC 5111.172, adopted under Am. Sub. H.B. 153, 129th G.A., carving the pharmacy benefit back into the Medicaid managed care program, to implement provisions of section 309.37.50 of Am. Sub. H.B. 153, 129th G.A., and to replace rescinded rule 5101:3-1-09, which is being rescinded as a result of the five year review.

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:

This rule sets forth the requirements for providers and consumers for co-payments to Medicaid-covered services. The rule was restructured to provide additional clarity to providers and consumers. Differences between this rule and the rule it is replacing are that the language for the pharmacy carve-out implemented previously is removed. Additionally, the exception for managed care plans was removed from the title.

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:

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

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 RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

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:

Not applicable.

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:

Paragraph (C)(2) was changed to update the reference for the location of post-partum coverage from 5101:1-40-08 to chapter 5101:1-40 of the Administrative Code. Rule 5101:1-40-08 was rescinded, effective 7/17/2011, and this rule was updated to reflect that rescission.

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 have no impact on revenues or expenditures.

0.00

No impact on current budget. This rule is being proposed to support carving pharmacy and certain medical supplies back in to the managed care plans' benefit packages. While we do not anticipate a change in expenditures as a result of this rule, the pharmacy carve in is estimated to result in a net increase in expenditures of \$97 million in SFY 2012 and \$17 million in SFY 2013. This increase has been reported in the rule summary and fiscal analysis submitted with the amendment to rule 5101:3-26-03 of the Administrative Code.

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

Not applicable.

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:

No new costs.

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**