

**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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**5101:3-1-60**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Medicaid reimbursement.****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? **No**

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: **5111.0112, 5111.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.0112, 5111.02, 5111.021**

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

5101:3-1-60 Medicaid Reimbursement, Appendix DD is being amended to add coverage for three new vaccine codes and to delete a vision code.

The new vaccine codes are being added to be compliant with provisions of 5101:3-4-12 regarding the Vaccines for Children program.

As of 1/1/09, the vision code for antireflective coatings will not be included in the new vision contract and is therefore being removed from coverage effective on that date.

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:

Rule 5101:3-1-60 sets forth the payment provisions for a number of covered services and provider types. Maximum reimbursement amounts for services billed using CPT and HCPCS codes are contained in appendix DD to this rule.

5101:3-1-60 is being amended to include three new vaccines available through the Vaccines for Children (VFC) program. The new vaccines and their corresponding CPT codes are: 90681 - Rota (Rotavirus vaccine, live, oral); 90696 - DTaPIPV (diphtheria and tetanus toxoids and acellular pertussis adsorbed and inactivated poliovirus vaccine); and 90698 DTaPIPHI (diphtheria and tetanus toxoids and acellular pertussis adsorbed, inactivated poliovirus and haemophilus b conjugate).

5101:3-1-60 is also being amended to delete vision code V2750, which is for anti-reflective coatings.

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

*Not Applicable.*

12. 119.032 Rule Review Date: **11/1/2010**

(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 revenues.

\$55,770.00

A decrease in expenditures of approximately \$55,770.00 is expected as a result of this proposed rule amendment. This decrease is attributable solely to the elimination of coverage for the vision code for antireflective coatings.

No change in expenditures is associated with coverage of three new vaccine codes because the vaccines are provided without charge to providers participating in the Vaccines for Children (VFC) program. Medicaid reimburses participating VFC providers a fee of \$10.00 for administering these free vaccines to Medicaid eligible children. No net increase in expenditures is contemplated, as the cost of administering the new vaccines is expected to be offset by a corresponding decrease in the cost of administering other similar vaccines.

As the three new vaccines will offset the usage of other existing vaccines, no additional administration fees are contemplated. Consequently, no new cost of compliance is associated with the proposed rule amendment.

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:

There is no new cost of compliance associated with this proposed rule amendment. The three new vaccines which are being added to OAC rule 5101:3-4-12 are part of the Vaccines for Children Program and are available free to participating providers through the Ohio Department of Health. The Ohio Medicaid program reimburses those providers a fee of \$10.00 for administering the vaccine to Medicaid eligible children. This fee amount is indicated in appendix DD to rule 5101:3-1-60. As the three new vaccines will offset the usage of other existing vaccines, no additional administration fees are contemplated. Consequently, no new cost of compliance is associated with the proposed rule amendment.

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**