

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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5101:3-10-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

"Medicaid Supply List".**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: **5111.02**

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

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

This rule is being amended to reflect changes in coding due to new and revised codes for the Medicaid oxygen program and to remind providers of the existing requirement to be compliant with Home Medical Equipment (HME) licensure provisions of Chapter 4752. of the Revised Code.

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 provisions for the HME supply list for the Medicaid program.

The intent of the amendments is not to change what is covered, but to replace several local-level oxygen codes with Health Insurance Portability and Accountability Act of 1996(HIPAA)compliant codes in the appendix of this rule. In addition, a sentence is added to the beginning of the rule body to remind providers of the existing requirement to be compliant with the HME licensure provisions of Chapter 4752. of the Revised Code administered by the Ohio Respiratory Care Board.

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. 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 OAC 121.76 (A) (3).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with ORC 121.71 to 121.74 in accordance with ORC 121.75(C).

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:

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with ORC 121.75 (E).

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:

The rule appendix is being revised in order to address stakeholder requests to remove the need for prior authorization requirements for the supply of the following nutritional infusion and ostomy care supplies: B4220 parenteral supply kit, B4222 parenteral supply kit, B4244 parenteral supply (page 11), A4376 ostomy pouch, A4380 ostomy pouch, A4382 ostomy pouch, and A4383 ostomy pouch (page 7). In addition, supply code E1353 (page 16), oxygen regulator, is being removed from the supply list due to the implementation of the new oxygen rules 5101:3-10-13 and 5101:3-10-13.1. E1353 is now considered an inclusive item and is reimbursed as part of the rental price for any oxygen system paid for by the medicaid department.

The appendix of this rule (page 16) is being revised and notated due to stakeholder request and to allow sufficient time for providers to establish revised billing practices for oxygen services, the following HCPCS codes will be valid for dates of service prior to 11/1/07, afterwards these codes will no longer be valid for reimbursement thru the Ohio medicaid program.

E1353 Oxygen regulator

Q0036 Oxygen concentrator, including supplies

Q0040 Portable oxygen contents

Q0046 Portable oxygen system rental

Y2076 Oxygen concentrator, for LTCF residents

Y2078 Oxygen contents, gas, for LTCF residents

Y2079 Oxygen contents, liquid, for LTCF residents

Y2080 Portable oxygen contents, for LTCF residents

Y2081 Oxygen, LTCF, 501-750 CU FT or 41-60 lbs

Y2082 Oxygen, LTCF, 251-500 CU FT or 21-40 lbs

Y2083 Oxygen, LTCF, 0-250 CU FT or 0-20 lbs

The following HCPCS codes will be valid for reimbursement for dates of service on or after 11/1/07.

E0431 Portable gaseous oxygen system, rental

E0434 Portable liquid oxygen system, rental

E1390 Oxygen concentrator, single port

E1391 Oxygen concentrator, dual port

E1392 Portable oxygen concentrator

K0738 Portable gaseous oxygen system, rental, transfill

12. 119.032 Rule Review Date: **7/25/2007**

(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

The department estimates that this proposed or revised rule would not have any budgetary fiscal impact during the current biennium.

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:

The department does not anticipate that this rule will result in any significant cost of compliance to any directly affected persons. Providers may experience administrative costs associated with the adoption of the new billing codes. This cost

if any would be unique to each individual provider due to their current business practices and therefore cannot be determined.

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**