

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

Agency Name

Division Of Medical Assistance

Division

Beth Vogel

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Hearing aids.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

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**

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

To delete local level codes and replace them with HIPAA compliant codes and to cover digital and programmable hearing aids if all criteria are met.

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:

The changes address coverage of digital and programmable hearing aids including the requirements for prior authorization of these aids and the criteria that must be

met for these aids to be authorized. Other changes include revisions to prior authorization requirements for other hearing aids, a listing of several hearing aid types which are not covered, warranty requirements, and policy on the replacement of a hearing aid for non-medical reasons. Also addressed is Medicaid's reimbursement for a digital or programmable aid.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

To revise language in the following paragraphs:

1)(B)(2) is revised to state that a medical examination must be performed by a physician. The previously filed version had the option of an "audiological evaluation". However the originally filed version of this rule did not incorporate this option. The removal of this option may impact audiologists but the Department believes that a medical examination is critical before a hearing aid is provided;

2) (B)(3) is revised to state that test results and written recommendations may be performed and by a physician (regardless of specialty);

3) (B)(3)(c) is revised to clarify references to Ohio Revised Code describing tests performed by hearing aid fitters or by audiologists;

4) (B)(5) is revised to clarify that a physician regardless of specialty may provide the medical examination/evaluation. The reference to an audiological evaluation has been removed. Also in the second paragraph of (B)(5) a reference to both the Administrative Code for hearing aid fitters and a reference to Administrative Code for audiologists has been added. (B) (5) was also corrected to correct a reference to Ohio Administrative Code which was a typographical error;

5) (D)(2) is revised to remove the term "medical necessity" and replace it with "criteria for coverage";

6) (D)(4)(c) is revised to clarify who can perform a medical examination/evaluation;and

7) (D)(4)(d) is revised to remove the following wording "from an examination" and add hearing aid fitters to provider who may result audiogram results.

12. 119.032 Rule Review Date: **7/16/2004**

(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.

see rule 5101:3-1-60

Rule 5101:3-1-60 is the Medicaid reimbursement rule that incorporates the increased reimbursement rates for hearing aids. See the fiscal impact for 5101:3-1-60.

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

500-625

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 rule revisions do not change which providers' services are reimbursed. The revisions clarify Medicaid reimbursement by existing scope of practice laws. Some stakeholders perceive that they are disadvantaged by the existing 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**