

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

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

Contact

**30 E Broad St 31st Floor ODJFS Office of Legal
Services Columbus OH 43215-3414**

Agency Mailing Address (Plus Zip)

614-466-4605

Phone

614-752-8298

Fax

5101:3-10-13

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Oxygen: covered services and limitations in a private residence.**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 proposed for adoption to address updated coverage criteria for oxygen services. It replaces part of former rule 5101:3-10-13.

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 coverage criteria and requirements, the process for prior authorization and the payment process for oxygen services to Ohio Medicaid consumers in the private residence setting.

Changes from the rescinded rule include reformatting in order to account for a change in the technology for home oxygen delivery and to clarify the departments requirements for the authorization of oxygen services in a private residence. The underlying payment method for oxygen concentrators is changing from a payment method based on the monthly utilization by consumed volume of this equipment to a reimbursement system based on the monthly possession of an oxygen concentrator. The maximum payment amounts set forth in Appendix DD of rule 5101:3-1-60 is not changing. The introduction of codes pertaining to "Trans-fill" and portable concentrator technology is also being implemented. This rule also introduces a new certificate of medical necessity (JFS 01909, rev. 6/2005) to be utilized in conjunction with the prior authorization request for oxygen services.

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 to ORC 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:

This rule is being revised to add paragraph (E)(1)(b), which says: "No modifier is used when supplying portable oxygen contents or a portable system rental." This paragraph is currently codified in the existing oxygen rule 5101:3-10-13 and is being added to this new rule for the sake of program consistency.

This rule is being refiled to correct a typographical error in paragraph (D)(2) by adding the word "or" to paragraph (D)(2), which states that an oxygen saturation study must be performed while at rest (awake) "or" during exercise.

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

Financial impact is addressed in item 13 of the Rule Summary and Fiscal Analysis for rule 5101:3-1-60.

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 estimates that this filing will have an administrative cost of

compliance for affected stakeholders. The actual cost or nature of this compliance cost will vary from stakeholder to stakeholder and be dependent on the current service delivery model that stakeholder is utilizing and therefore cannot be estimated by the department. In addition, the filing of these rules will result in provider specific administrative savings due to the deletion of the need for the provider to obtain meter readings for oxygen concentrators.

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**