

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

5101:3-10-15

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Transcutaneous electrical nerve stimulators (TENS).**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:

The following rule is being proposed by the department in response to stakeholder requests for program coverage updates and clarification regarding the supply of Transcutaneous Electrical Nerve Stimulators (TENS)units for medicaid consumers.

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 program policy pertaining to the supply of TENS units and is being filed for policy amendments to reflect that prior authorization of this equipment will no longer be required for the supply of this item. This rule is also being amended primarily to make the rule reflective of recent program changes in regards to the program coverage of TENS units. This rule has had additional coverage criteria added to it as well as revisions to the certificate of medical necessity (CMN) JFS 03402 (10/2008) Certificate of Medical Necessity/Prescription Transcutaneous Electrical Nerve Stimulators (TENS) which will be utilized by providers to document in their records the medical necessity of a TENS unit. Revisions to the rule body of this rule include but are not limited to:

(A)(2) requires a trial period of 30 days before TENS is dispensed, up from 14 days in the current rule.

(A)(2) also adds a limitation that when a TENS unit is used for post-operative pain, reimbursement is limited to 30 days after surgery

(B) requires that, before TENS is available, other appropriate treatment modalities have been tried and failed.

(B)(6): Temporomandibular joint disorder (TMJ) is eliminated as a condition for which a TENS unit is available.

(B)(13): Disorders of the sacrum are eliminated as conditions for which a TENS unit is available.

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:

Not Applicable.

12. 119.032 Rule Review Date: **4/1/2012**

(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

It is estimated that this rule would have no fiscal impact for the department 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 estimates that the cost of compliance with this rule will be provider specific as it would require that each provider examine their current business plan to assure that they would be in compliance with the revised rule. There are no estimated direct provider costs as a result of this filing.

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**