

**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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**5101:3-26-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Managed health care programs: covered services.****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? **Yes**

Bill Number: **HB66**General Assembly: **126**Sponsor: **Rep. Calvert**

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, 5111.16, 5111.162, 5111.17**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.02, 5111.021, 5111.16, 5111.162, 5111.17**

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

To clarify managed care plan (MCP) responsibilities for nursing facility stays, needed to implement the mandates of R.C. 5111.021, 5111.16, and 5111.162, as amended by Am. Sub. HB 66.

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 services that managed care plans (MCPs) are required to provide to Medicaid managed care consumers. The changes to the rule add language to clarify MCP responsibilities for nursing facility stays and add language to reflect the exclusion of habilitation services and coverage of services outside the United States.

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).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with ORC 121.71 to 121.74 in accordance with ORC 121.75(A).

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 was revised a first time to correct a typing error in the response to

question 5 of the Rule Summary and Fiscal Analysis. "511.021" is being changed to "5111.021." This revision includes no changes to the body of the rule.

This rule is being revised a second time to remove the following proposed language in the last sentence of paragraph (F): "except that regardless of the claims filing timeframe for contracting providers, MCPs must accept claims for processing from non-contracting providers when submitted within one hundred eighty days from the date of service." The proposed language in the original filing established a claims processing timeframe for non-contracting providers to submit claims to an MCP. This language is being removed in response to stakeholder concerns about the timeframe.

This rule is being revised a second time to delete the words "claims filing and" from question 6 on the Rule Summary and Fiscal Analysis.

This rule is being revised a second time to delete the words "establishing that MCPs are only required to process claims that are submitted by non-contracting providers, when such claims are submitted within one hundred and eighty days from the date of service. Revisions were also made" from question 7 on the Rule Summary and Fiscal Analysis.

#### 12. 119.032 Rule Review Date: 7/1/2008

(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.

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This proposed rule will not change the agency's projected budget 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:

There should be no cost of compliance as changes to this rule are clarifying in nature.

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**