

**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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**5101:3-26-11**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Managed health care programs: managed care plan  
non-contracting providers.****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, 5111.16, 5111.162, 5111.17**

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

To clarify co-payment and record retention requirements for managed care plan (MCP) non-contracting providers, needed to implement the mandates of R.C. 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 requirements for managed care plan (MCP) non-contracting providers. The changes to the rule add language to clarify that if an MCP has chosen to require applicable co-payments for certain services, those co-payments will also apply to services provided by non-contracting providers. Clarifying language was also added specifying record retention requirements.

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 the following clarifying language to the end of the first sentence of paragraph (H): "or until any audit initiated within the six year period is completed."

This rule is being revised to remove proposed paragraph (I) which 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. Paragraph (J) is now paragraph (I).

This rule is being revised to delete the words "claims filing timeframes and" from question 6 and to add the words "and record retention" in question 6 on the Rule Summary and Fiscal Analysis.

This rule is being revised to delete the words "outline the filing timeframe during which non-contracting providers are required to submit claims to the MCP. Language has been added" from question 7 and to add the words "add language" prior to the words "to clarify" in the last sentence of question 7 on the Rule Summary and Fiscal Analysis. An additional sentence has been added at the end of question 7, as follows: "Clarifying language was also added specifying record retention requirements."

#### 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:

No new costs

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**