

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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5101:3-4-12

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Immunizations.**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 Vaccines for Children (VFC) Program was created by Congress in 1993 following a measles epidemic resulting in tens of thousands of cases of measles and hundreds of deaths. More than half the children who had measles had not been immunized. The Advisory Committee on Immunization Practices (ACIP) approves which vaccines are available through the VFC program. Section 1905(r)(1) of the Social Security Act, 42 U.S.C. 1396d(r)(1), provides that screening services for all Medicaid recipients under the age of 21 shall include appropriate immunizations, to be provided according to the recommendations of the ACIP. Recently, ACIP has approved three new vaccines for the VFC program, and rule 5101:3-4-12 is being

amended to include these new vaccines.

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:

5101:3-4-12 sets forth the coverage and reimbursement policy for immunizations within the Ohio Medicaid program. The rule identifies those vaccines which are covered by the Vaccines for Children Program and those which are not and provides guidance on billing in either instance.

5101:3-4-12 is being amended to add three new vaccines which will be available through the Vaccines for Children program operated by the Ohio Department of Health. The new vaccines and their procedure codes are: 90681 - Rota (Rotavirus vaccine, live, oral); 90696 - DTaPIPv (diphtheria and tetanus toxoids and acellular pertussis adsorbed and inactivated poliovirus vaccine); and 90698 - DTaPIPHI (diphtheria and tetanus toxoids and acellular pertussis adsorbed, inactivated poliovirus and haemophilus b conjugate). An additional change is changing the URL for the Centers for Disease Control's website referenced in paragraph (B)(1)(c)(i).

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 dated reference to the Centers for Disease Control, the American Academy of Pediatrics, and the Advisory Committee on Immunization Practices, which are generally available industry standards. Each reference is dated and is generally available to persons affected by this rule via the internet, in accordance with ORC 121.75 (E).

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: **7/1/2011**

(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

The estimated fiscal impact resulting from the proposed amendment to this rule is \$0.00 and is reported in RSFA 13 of the Medicaid reimbursement 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:

There is no new cost of compliance associated with this rule amendment. The three new vaccines which are being added to this rule are part of the Vaccines for Children Program and are available free to participating providers through the Ohio Department of Health. The Ohio Medicaid program reimburses those providers a fee of \$10.00 for administering the vaccine to Medicaid eligible children. The three new vaccines will offset the usage of other existing vaccines. Consequently, no new cost of compliance is associated with the proposed rule amendment.

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**