

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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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? **Yes**

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 amended because of the five year rule review and to include the Current Procedural Technology (CPT) code 90663 (Influenza virus vaccine, pandemic formulation) so that providers may bill for immunizations against the pandemic influenza virus, H1N1.

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 specifies immunizations that are covered for the Medicaid population. The rule is being proposed for amendment to include the Current Procedural Technology (CPT) code 90663 (Influenza virus vaccine, pandemic formulation) to the list of designated free vaccines so that providers may bill for immunizations against the pandemic influenza virus, H1N1. The Department will reimburse \$10 for the administration of each dose of this vaccine needed for both children and adults. The rule also specifies how Medicaid providers can obtain the pandemic influenza vaccine free of charge from the Ohio Department of Health. It is also being modified for five-year rule review, to update date references and to clarify existing policy.

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 RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more dated references to the Centers for Disease Control (CDC) immunization recommendations, which are generally accepted industry standards. Each reference is dated and is generally available to persons affected by this rule via <http://www.cdc.gov/vaccines/>, in accordance with RC 121.75(E).

This rule incorporates one or more dated references to the American Academy of Pediatrics (AAP) immunization recommendations, which are generally accepted industry standards. Each reference is dated and is generally available to persons affected by this rule via <http://www.cispimmunize.org>, in accordance with RC 121.75(E).

This rule incorporates one or more dated references to the Advisory Committee on Immunization Practices (ACIP) recommendations, which are generally accepted industry standards. Each reference is dated and is generally available to persons affected by this rule via <http://www.immunize.org/acip>, in accordance with RC 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: **10/13/2009**

(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 increase expenditures.

\$7.7 million

It is estimated that the cost to cover the pandemic influenza vaccine for the fee for service, medicaid only population will be \$5.1 million annually and \$7.7 million from January 2010 through June 2011. This amount covers the cost of the two doses of the vaccine needed to confer immunity to children under age ten and the cost of one shot for persons aged ten years and over, as well as the billing of a low level evaluation and management code for the non-institutionalized population. The Centers for Medicare and Medicaid Services is providing the vaccine, syringes and needles, and sharps kits free of charge. The increase in expenditures is due to the

administration fee of \$10.00 per shot and for the noninstitutionalized fee for service population, the billing of the lowest level evaluation and management current procedural terminology (CPT) code 99211. The estimates do not take into account the avoided costs of treatment of individuals that would otherwise be infected by the virus and do not include the costs associated with pharmacy-based immunizations which are billed using a NDC code and are discussed in rule 5101:3-9-13.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

ALI 600525

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 estimated to be no new cost of compliance for this rule. The rule does not require providers to administer the pandemic influenza vaccine, but if a Medicaid provider chooses to offer this service, an administration fee will be paid.

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**