

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:

To increase reimbursement for an immunization code to reflect the increased acquisition cost.

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 coverage and reimbursement for immunization services.

Reimbursement for Current Procedural Terminology (CPT) code 90378, "Respiratory syncytial virus, MAB, IM 50mg" is being increased from \$985.89 to \$1,180.19.

This change is being made to Appendix B of the rule. The rule body is remaining unchanged.

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 Centers for Disease Control and prevention (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: **7/1/2015**

(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

No impact on current budget.

The increase in reimbursement for CPT code 90378, respiratory syncytial virus, monoclonal antibody, recombinant, for intramuscular use, from \$985.89 to \$1,180.19 is expected to increase expenditures over the biennium encompassing state fiscal years 2012 and 2013 by an estimated \$868,457.33.

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

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 no cost of compliance associated with updating the reimbursement for this procedure code.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

| | | | |
|----------------------|--------------|---------------|----------------------------|
| (a) School Districts | (b) Counties | (c) Townships | (d) Municipal Corporations |
| No | Yes | Yes | Yes |

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Reimbursement is being increased for a procedure code. To the extent that a Medicaid provider is also a county, township, or municipal corporation, there is no cost of compliance associated with the implementation of the proposed rule.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

There is no cost of compliance associated with increasing the reimbursement amount for one procedure code.

(a) Personnel Costs

There are no expected personnel costs associated with increasing the

reimbursement amount for one procedure code.

(b) New Equipment or Other Capital Costs

There are no expected new equipment or other capital costs associated with increasing the reimbursement amount for one procedure code.

(c) Operating Costs

There are no operating costs associated with increasing the reimbursement amount for one procedure code.

(d) Any Indirect Central Service Costs

There are no indirect central service costs associated with increasing the reimbursement amount for one procedure code.

(e) Other Costs

There are no other costs associated with increasing the reimbursement amount for one procedure code.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

To the extent that a Medicaid provider is also a county, township or municipal corporation, there are no costs associated with the increased reimbursement for this one procedure code.

7. Please provide a statement on the proposed rule's impact on economic development.

To the extent that a Medicaid provider is also a county, township or municipal corporation, there will be no impact on economic development associated with the increased reimbursement for this one procedure code. However, the increased reimbursement amount is expected to adequately reimburse providers for their purchasing of the drug.