

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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5101:3-4-27

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**Physician reimbursement of medical supplies and durable
medical equipment.****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:

This rule is being proposed to reinstate the policies and procedures physicians must follow in order to dispense and receive reimbursement for medical supplies and durable medical equipment. It replaces former rule 5101:3-4-27, rescinded January 2001.

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 outlines policies and procedures for physicians to dispense and receive reimbursement for medical supplies and durable medical equipment. The policies and procedures include a physician may not receive separate reimbursement for medical supplies and durable medical equipment utilized in a physician's office, clinic, or patient's home during a physician visit. A physician may dispense and receive reimbursement for medical supplies and durable medical equipment for use in a patient's home if the physician has a "supplies and durable medical equipment" category of service. All physicians who have a valid "medicaid provider agreement" are eligible to apply for and receive "supplies and durable medical equipment" category of service. The scope and extent of coverage for medical supplies and durable medical equipment are detailed in Chapter 5101:3-10 of the Administrative Code. All medical supplies and durable medical equipment require a written prescription by a physician which must be kept on file in accordance with rule 5101:3-1-17.2 of the Administrative Code. All claims for medical supplies and durable medical equipment must be billed in accordance with rule 5101:3-10-05 of the Administrative Code.

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 (OAC). This question is not applicable to any incorporation by reference to another OAC rule or rules because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to 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:

Not Applicable.

12. 119.032 Rule Review Date:

(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

There would be no fiscal impact associated with the proposed rule for the current medicaid biennium budget.

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 would be no cost of compliance as a result of the proposed rule.

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**