

Rule Summary and Fiscal Analysis (Part A)**Ohio Department of Medicaid**

Agency Name

Division

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5160-1-09

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Copayment.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **5162.20, 5164.02**
5. Statute(s) the rule, as filed, amplifies or implements: **5162.20, 5164.02**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Rule 5160-1-09, entitled Co-payments describes medical services which are subject to individual co-payments, the provider's role regarding co-payments, claims not subject to co-payments and the individuals excluded from the co-payment requirement for dental, vision, non-emergency emergency department services and pharmacy services. The rule was reviewed as part of the five year rule review process and is being proposed for amendment to update language and Administrative Code references and to add an exclusion from the co-payment requirement for individuals receiving Medicaid because of the state's election to

provide coverage under the breast and cervical cancer option.

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:

Rule 5160-1-09, entitled Co-payments describes medical services which are subject to individual co-payments, the provider's role regarding co-payments, claims not subject to co-payments and the individuals excluded from the co-payment requirement for dental, vision, non-emergency emergency department services and pharmacy services. The rule was reviewed as part of the five year rule review process and is being proposed for amendment to update language and Administrative Code references and to add an exclusion from the co-payment requirement for individuals receiving Medicaid because of the state's election to provide coverage under the breast and cervical cancer option.

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 Ohio Administrative Code rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **4/14/2017**

(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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Not applicable

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:

The cost of compliance with this rule is administrative in nature. If it is the routine business practice of a provider to refuse service to anyone who owes an outstanding debt to the provider and the outstanding debt is a co-payment, the provider may refuse service and must notify the individual of the intent to refuse services. For those providers, there would be a minor cost of compliance in notifying the individual of the intent to refuse services.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**