

5160-1-13.1 **Medicaid consumer liability**~~[except for services provided through a medicaid managed health care program].~~

- (A) The medicaid payment for a covered service constitutes payment-in-full and may not be construed as a partial payment even when the reimbursement amount is less than the provider's charge. The provider may not collect and/or bill the consumer for any difference between the medicaid payment and the provider's charge or request the consumer to share in the cost through a deductible, coinsurance, co-payment or other similar charge, other than medicaid co-payments as defined in rule ~~5101:3-1-09~~5160-1-09 of the Administrative Code. The provider may not charge the consumer a down payment, refundable or otherwise.
- (B) A medicaid consumer cannot be billed when a medicaid claim has been denied due to:
- (1) Unacceptable or untimely submissions of claims;
  - (2) Failure to request a prior authorization; or
  - (3) A peer review organization (PRO) retroactively denying services for lack of medical necessity.
- (C) Providers are not required to bill the Ohio department of ~~job and family services (ODJFS)~~medicaid (ODM) for medicaid-covered services rendered to eligible consumers. However, providers may not bill consumers in lieu of ~~ODJFS~~ODM unless:
- (1) The consumer is notified in writing prior to the service being rendered that the provider will not bill ~~ODJFS~~ODM for the covered service; and
  - (2) The consumer agrees to be liable for payment of the service and signs a written statement to that effect prior to the service being rendered; and
  - (3) The provider explains to the consumer that the service is a covered medicaid service and other medicaid providers may render the service at no cost to the consumer.
- (D) Services that are not covered by the medicaid program, including services requiring prior authorization that have been denied by ~~ODJFS~~ODM, may be billed to the consumer when the provisions in paragraphs (C)(1) and (C)(2) of this rule are met.

Effective: 11/28/2014

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CERTIFIED ELECTRONICALLY

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Certification

11/18/2014

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Date

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