

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

Agency Name

Division

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**5160-1-14**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Healthchek: early and periodic screening, diagnostic, and  
treatment (EPSDT) covered services.****RULE SUMMARY**

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

As a result of five-year rule review, ODM is consolidating and streamlining provisions in Chapter 5160-14 into a single new rule. This new rule (5160-1-14) is being moved to Chapter 1 because its provisions apply to the entire range of Medicaid services. The existing and proposed regulation on EPSDT enables ODM to maintain approval to administer and enforce a federal law and participate in a federal program in accordance with Section 1905(a)(4)(B) of the Social Security Act, Section 1905(r) of the Social Security Act, 42 CFR 440.345, and Section

5124(A) of the State Medicaid Manual (EPSDT Services).

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:

New rule 5160-1-14 defines terms, sets forth eligible providers of EPSDT services, addresses coverage provisions for screening services and the scope of coverage, requires providers to make appropriate referrals without delay, and specifies payment may be made for certain additional services provided during or as part of an EPSDT screening visit. On the whole, the intent of new rule 5160-1-14 remains the same as the existing rules in Chapter 5160-14. However, a few differences should be noted:

1. Some definitions are being omitted in the new rule because they are already defined in the Ohio Administrative Code chapter where the new rule will reside;
2. A definition of the "Bright futures guidelines" is being added to the new rule for clarity;
3. Eligible provider provisions are being consolidated into one general paragraph to avoid narrowing the definition of who is eligible to provide EPSDT services;
4. Language describing components of a screening visit is being modified to be consistent with language in the Social Security Act and state Medicaid manual;
5. Claim submission instructions are not included in the new rule but will be posted on ODM's website to be consistent with other provider billing instructions; and
6. An unnecessary restriction on the coverage of habilitation services is not included in the new rule.

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 dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A).

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 a dated reference to the "American Academy of Pediatrics Bright Futures Guidelines for Preventive Health Care," which is a generally accepted industry standard. In accordance with RC 121.75(E), the referenced document is generally available to persons affected by the rule through a website that is specified in the rule body.

This rule incorporates the immunization schedule regarding the appropriate periodicity, dosage and contraindications applicable to pediatric vaccines established by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention. The schedule is generally available to persons affected by this rule at <http://www.cdc.gov/vaccines/hcp/acip-recs/index.html> in accordance with RC 121.75(E).

This rule incorporates a dated reference to guidance issued by CMS in "EPSDT - A Guide for States: Coverage in the Medicaid Benefit for Children and Adolescents" which is a generally accepted industry standard. In accordance with RC 121.75(E), the guidance is generally available to persons affected by this rule at <http://www.medicaid.gov> (June 2014).

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:

(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

The adoption of this rule will have no fiscal impact during the current biennium.

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 adoption of this rule entails no cost of compliance.

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**