

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-1-60

Rule Type: Amendment

Rule Title/Tagline: Medicaid payment.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 1/1/2027
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 33 - 135
- Jay Edwards
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5164.02
5. **What statute(s) does the rule implement or amplify?** 5164.02
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update policy related to the administration of the Medicaid program and to incorporate budget provisions of Am. Sub. H.B. 33 (135th G.A.).

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Rule 5160-1-60, "Medicaid Payment," sets forth payment policies for services furnished by many professional, non-institutional providers. The appendix to this rule, which serves as a payment schedule, has been amended to incorporate budget provisions of Am. Sub H.B. 33 (135th G.A.).

Maximum payment amounts are being increased for certain types of non-institutional services listed in the payment schedule: medical/surgical services (including primary care services and neonatal services), skilled therapy services (including hearing aids*), clinical laboratory services**, radiology and imaging services, vision care (including lenses not dispensed under the volume purchase contract), psychotherapy, acupuncture, dietitian services, clinic services, and dental services.

No change is being made in the body of the rule itself. The amendment to the appendix to this rule is effective for dates of service beginning January 1, 2024.

*Maximum payment amounts for hearing aids are published as part of another schedule.

**Clinical laboratory procedures are addressed here with other professional services because payment for them is established by formula rather than schedule; no rule change is involved.

9. Does the rule incorporate material by reference? Yes

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. The 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 121.75.

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

10/26/23

ODM is revising the dollar amounts due to a 5% increase for specific chiropractic procedure codes (98940, 98941, and 98942) based on comments received during the public hearing period.

ODM also received feedback from another one of its provider groups. The providers requested the addition of two new dental codes to the fee schedule. These codes are D5225 (Dentures maxill part flex, incl reten claps rest teeth) and D5226 (Dentures

mand part flex, incl reten clasps rest teeth). These codes were requested to be added as an alternative choice for patients for their partial dentures (currently offer partial dentures cast metal framework with resin base and all resin bases). These codes were requested because their patients have a preference for this service; and the providers been observed that these dentures are typically less invasive and more comfortable for their patients. The rates for these codes were set based on the rates reported from surrounding states.

11/17/23

Certain payment amounts have been corrected in the appendix.

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will increase expenditures.

\$623.7 million

The fiscal analysis impact has been revised to incorporate the revision in rates to chiropractic procedures. This will increase expenditures by an additional \$500,000. The changes in payment, most of which are reflected in the appendix to this rule, will increase expenditures by an estimated \$415.8 million per year, which amounts to \$623.7 million for the 18 months from January 2024 to June 2025.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

- 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
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding to this rule?
Not Applicable
- B. How many existing regulatory restrictions do you propose removing from this rule?
Not Applicable
- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
Not Applicable
- D. Please justify the adoption of the new regulatory restriction(s).
Not Applicable