

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-10-11

Rule Type: Amendment

Rule Title/Tagline: DMEPOS: hearing aids.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/17/2023
2. **Is this rule the result of recent legislation?** No
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 proposed for amendment to update policy related to the administration of the Medicaid program.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Rule 5160-10-11, "DMEPOS: hearing aids," sets forth coverage and payment policies for hearing aids. Provisions concerning follow-up visits, the acceptability of a delivered hearing aid, and claim payment are pared down considerably. A requirement that a provider keep certain documents on file is replaced by a statement that ODM may ask for the information at any time. The explicit exclusion of payment for hearing aids worn inside the ear canal is removed. The phrase 'the provider's usual and customary charge' is replaced by 'the amount the provider customarily charges the general public'.

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 an ODM form or forms. This question is not applicable to any incorporation by reference to a form (or its equivalent) that collects information and does not establish principles of law or policy; 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.**

Not Applicable

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 have no impact on revenues or expenditures.

\$0

Not Applicable.

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? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 10

Paragraph (B)(2) -- 'must'

Paragraph (B)(3) -- 'must'

Paragraph (B)(3) -- 'must' (second occurrence)

Paragraph (B)(3) -- 'must' (third occurrence)

Paragraph (B)(5) -- 'must'

Paragraph (B)(5) -- 'must' (second occurrence)

Paragraph (B)(5) -- 'must' (third occurrence)

Paragraph (C) -- 'Requirements'

Paragraph (C)(1) -- 'must'

Paragraph (D)(3) -- 'must'

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable