

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

Agency Name

Division

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**5160-12-05**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Reimbursement: home health 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, 5164.77**
5. Statute(s) the rule, as filed, amplifies or implements: **5164.70, 5164.77**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The Centers for Medicare and Medicaid Services (CMS) recently announced the addition of two new codes for home health nursing service visits. OAC 5160-12-05 is being amended to comply with the recent federal regulations requiring new codes to be used for the provision of home health nursing services. OAC 5160-12-05 is being amended to clarify the amount of reimbursement for each of the home health service visits (i.e., a home health aide, home health nursing, and skilled therapy visit).

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:

Billing Codes G0299 for home health nursing services provided by a registered nurse (RN) and G0300 for home health nursing services provided by a licensed practical nurse (LPN) will replace G0154 Home Health Nursing Code in Appendix 1 and 2(Appendix A and B). OAC 5160-12-05 Paragraph C was amended to specify the amount of reimbursement for each of the home health service visits (i.e., a home health aide, home health nursing, and skilled therapy visit). Paragraph F changed to reflect that a visit conducted by an RN for the provision of home health nursing services must be billed to Ohio medicaid using the billing code found in appendix A to this rule. A visit conducted by an LPN for the provision of home health nursing services must be billed to Ohio medicaid using the billing code found in appendix A to this rule. Appendices 1 and 2 were modified to update the billing codes and to remove modifiers that are currently used to distinguish between nursing visits completed by an RN and LPN (i.e., TD and TE). Appendix 2 (Appendix B) was also amended to denote that only an RN under billing code G0299 may use the U1 modifier for the purpose of identifying home infusion therapy services provided during a home health nursing visit.

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 question is not applicable to any incorporation by reference to another Ohio Administrative Code rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 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:

The rule is being revised to upload the rule in an XML format (as it was inadvertently uploaded as a pdf).

12. Five Year Review (FYR) Date: **7/1/2020**

(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.

0.00

There are no costs associated with the propose rule change.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

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:

There are no costs of compliance with this rule change to any directly affected person.

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**