

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-13-02

Rule Type: Amendment

Rule Title/Tagline: Dialysis services rendered by a dialysis center.

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? 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? 5162.03, 5164.02, 5164.70
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?

Rule 5160-13-02 sets forth coverage and payment policies for dialysis services performed at freestanding dialysis centers. In accordance with budget provisions of Am. Sub H.B. 33 of the 135th Ohio General Assembly, the Ohio Department of

Medicaid (ODM) is amending the appendix to this rule to increase total payment for hemodialysis, peritoneal dialysis, and dialysis self-care training by 6.23% starting in calendar year 2024. ODM is simultaneously conducting five-year rule review.

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

Rule 5160-13-02 sets forth Medicaid coverage, payment, and limitations pertaining to dialysis services furnished by dialysis centers. The frequency of payment for Intermittent Peritoneal Dialysis (IPD) was updated from three sessions per week to seven sessions per week. Per visit payment amounts listed in the appendix were updated to increase total payment for hemodialysis, peritoneal dialysis, and dialysis self-care training by 6.23% starting in calendar year 2024. The per-visit payment amount for each covered service is stated as a fixed number in the appendix to the rule. The definition of continuous ambulatory peritoneal dialysis and continuous cycling peritoneal dialysis was moved to the coverage and limitations section of the rule for better clarity. The definition was unchanged.

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 Administrative Code. This question is not applicable to any incorporation by reference to another Administrative Code rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates a reference to CMS's ESRD Consolidated Billing List. This cited list is generally available to persons affected by this rule on the CMS website, in accordance with RC 121.75(B)(6). CMS's ESRD Consolidated Billing List is published by CMS in the end-stage renal disease (ESRD) section of its website, <http://www.cms.gov>.

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 increase expenditures.

\$13.9 million

In accordance with budget provisions of Am. Sub H.B. 33 of the 135th Ohio General Assembly, the Ohio Department of Medicaid (ODM) is amending this rule to increase total payment for hemodialysis, peritoneal dialysis, and dialysis self-care training by 6.23% starting in calendar year 2024.

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

No cost of compliance

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