

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

Agency Name

Division

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5160-14-03

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

**Healthchek: early and periodic screening, diagnosis, and
treatment (EPSDT) screening visits.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**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: **5162.03, 5164.02**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for rescission as a result of five-year rule review. Rules setting forth coverage and payment policies for Medicaid services provided under the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit are currently set forth in six rules located in Chapter 5160-14 of the Administrative Code. All EPSDT rules are being proposed for rescission and will be replaced with a single new rule, 5160-1-14, that consolidates and streamlines the rules to be rescinded. The new rule 5160-1-14 is being relocated to Chapter 5160-1 because its

provisions apply to the entire range of Medicaid 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:

This rule lists the components of an EPSDT screening visit and requires providers to make appropriate referrals.

This rule also requires providers to: (1) inform adolescents of all tests performed, give results of each test, and provide health education regarding sexually transmitted infections; (2) render health education as part of each initial and periodic EPSDT 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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

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: **8/15/2017**

(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 rescission 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 nature of the adverse impact is provider time for compliance for the report of required information. Paragraph (K)(3)(d) of rule 5160-14-03 requires providers to inform adolescents of all tests performed, give results of each test, and provide health education regarding sexually transmitted infections. Paragraph (M) of rule 5160-14-03 requires health education as part of each initial and periodic Healthchek (EPSDT) visit including counseling, anticipatory guidance, and risk factor reduction intervention. Health education must be designed to assist parents and individuals in understanding what to expect in terms of the individual's development and to provide information about the benefits of healthy lifestyles and

practices, and disease prevention. Providers are required to encourage parents and individuals (if age appropriate) participating in the program to take advantage of screening services, dental services, vision services, and hearing services covered under Medicaid.

The adverse impact to providers rendering EPSDT services is not directly attributable to rule 5160-14-03. Informing patients of all tests performed, giving results of each test, and providing health education are components of a standard office visit.

According to Labor Market Information (LMI) data published by the Ohio Department of Job and Family Services (ODJFS), the median statewide hourly wage associated with a physician performing the above-mentioned services is \$79.38; adding 30% for fringe benefits brings the figure to \$103.20. Therefore, the estimated cost of a physician informing a patient of all tests performed, giving results of each test, and providing health education during a half hour office visit is approximately \$51.60.

According to LMI data published by ODJFS, the median statewide hourly wage associated with other types of providers (e.g., nurse practitioners, advanced practice registered nurses) who may perform the above-mentioned services ranges from \$30.03 to \$46.34; adding 30% for fringe benefits brings the range from \$39.04 to \$60.24. Therefore, the estimated cost of other types of providers informing a patient of all tests performed, giving results of each test, and providing health education during a half hour office visit ranges from approximately \$19.52 to \$30.12.

The amount ODM pays a provider for rendering a standard office visit that would include informing a patient of all tests performed, giving results of each test, and providing health education ranges from \$38.93 to \$89.93 (based on time spent) per visit.

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? **Yes**

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? **Yes**

This rule requires the report of information.