

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-18-01
Rule Type: Rescission
Rule Title/Tagline: Freestanding birth center services.
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?** 10/14/2022
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, 5164.70
6. **What are the reasons for proposing the rule?**

This rule is being rescinded as a result of five-year rule review. In the process of conducting five-year rule review, ODM found that more than fifty percent of rule 5160-18-01 needed to be amended. New rule 5160-18-01 will replace existing rule 5160-18-01.

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

This rule sets forth definitions, Medicaid covered services, and Medicaid payment pertaining to freestanding birth centers (FBCs).

8. **Does the rule incorporate material by reference? Yes**
9. **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 dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2).

This rule incorporates references to rules of the Ohio Administrative Code. This 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(A)(1)(d).

10. **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

11. **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

This rule has no impact on the Medicaid budget.

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

The cost of compliance on providers of freestanding birth centers will not be directly attributable to new rule 5160-18-01.

Any expense for licensure required in existing rule 5160-18-01, which is an existing professional standard, would be incurred before providers enroll with Medicaid. On the Ohio Department of Health's website, it states that the initial and renewal licensure application fees are \$300.00 each. Again, this cost is absorbed prior to

enrolling with Medicaid and this provision is being removed from the new rule since it is not a Medicaid requirement.

There is no expected cost of compliance as a result of this rule on freestanding birth centers as they already meet this requirement prior to enrolling with Medicaid and this provision is being removed from the new rule.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No
15. **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

16. **Was this rule filed with the Common Sense Initiative Office?** Yes
17. **Does this rule have an adverse impact on business?** Yes
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** Yes

Rule 5160-18-01, which is being rescinded, requires providers to hold a current license from the Ohio Department of Health or appropriate authority in another state. It also requires that providers conform to the freestanding birth center rules administered by the Ohio Department of Health (OAC rules 3701-83-33 to 3701-83-42). This requirement is not found in the proposed new version of the rule.
 - 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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? 2

5160-18-01, (D)(4) -- removed "must"

5160-18-01, (B) -- removed "Provider requirements"

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.