

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-2-75  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Outpatient hospital reimbursement.  
**Agency Name:** Ohio Department of Medicaid  
**Division:**  
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#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 8/1/2022
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 proposed for amendment to update the reimbursement methodology for outpatient hospital services for dates of service on or after the effective date of this rule. The proposed amendments to this rule are intended to continue the reform and modernization of the outpatient hospital reimbursement methodology.

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

Rule 5160-2-75 sets forth the outpatient hospital reimbursement methodology for hospitals subject to the enhanced ambulatory patient grouping system (EAPG) prospective payment methodology. The formula used to calculate outpatient payments will not change.

Paragraph (A)(4) will be updated to remove "and" and add "or both".

Paragraph (G)(1)(a)(i) will be updated to add "billed with revenue center code 25X or 623".

Paragraph (G)(1)(a)(iv) will be added to include payment logic for pharmaceuticals listed as "by report" or unlisted on the Provider Administer Pharmaceutical fee schedule, which can be found on the Ohio Department of Medicaid website at <http://www.medicaid.ohio.gov/>.

Paragraph (G)(1)(f)(iv) of this rule will be removed to eliminate the discounting factors applicable to observation services.

Paragraph (H) of this rule will be added to include payment for acupuncture services limited to the treatment of low back pain and migraine headaches.

- 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. 121.71 to 121.76, 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 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 121.76(A)(3).

The rule incorporates one or more references to the hospital billing guidelines, pharmaceutical fee schedule, durable medical equipment fee schedule and outpatient hospital behavioral health fee schedule. This cited material is generally available to persons affected by this rule on the Ohio Department of Medicaid website at <http://www.medicaid.ohio.gov/>, in accordance with RC 121.75(E).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Paragraph (A)(11) added reference "A list of covered procedure coded is published on the department's website, <http://medicaid.ohio.gov/>."

Paragraph (G)(1)(a)(i) removed "outpatient hospital" and added "provider-administered" and "HCPCS J-code or Q-code".

Paragraph (G)(1)(a)(iv) removed "except HCPCSS J-code J0714 and added "or Q-code".

Paragraph (G)(1)(c)(ii)(c) removed "except HCPCSS J-code J0714 and added "or Q-code".

Removed paragraph (G)(1)(c)(ii)(e).

Paragraph (G)(1)(c)(ii)(f) was renumbered to paragraph (G)(1)(c)(ii)(e).

## **II. Fiscal Analysis**

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable.

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

This rule imposes no new requirements on hospitals that would result in unplanned expenditures, therefore there is no estimated cost of compliance.

- 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**

## **III. Common Sense Initiative (CSI) Questions**

- 15. Was this rule filed with the Common Sense Initiative Office? No**

- 16. 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**