

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

Agency Name

Division

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5160-30-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Coverage and limitation policies for alcohol and other drug treatment 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**5. Statute(s) the rule, as filed, amplifies or implements: **5119.391, 5162.03, 5164.02**

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

This rule is being proposed to update policy relating to the administration of the Medicaid program.

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 addresses limitations and coverage policy concerning services rendered by community alcohol and drug treatment providers. The amended rule includes new Medicaid covered services and medications that can be rendered by eligible alcohol and substance abuse treatment providers.

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 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 because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

This rule incorporates one or more dated references to the United States Code (USC). This question is not applicable to any dated incorporation by reference to the USC because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A).

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:

(Week of 11/14 revise file) The only change is in Appendix 2. The word "dispensing" was added to four sentences, the word "week" replaced "visit" in one sentence. All changes were made for clarification. No policy changes were made.

(11/22/2016 refiling) The only change made to this rule package is in Appendix 2. In the last row, code 96372, the text (MD/DO \$21.39)(Non-MD/DO \$18.18)" has been removed and replaced with "\$14.57 (effective through 6/30/2017)." Since the Ohio Department of Medicaid will not require rendering practitioners be listed on Medicaid claims until 7/1/2017, the rate could not be differentiated based on level of practitioner.

12. Five Year Review (FYR) Date: **10/1/2017**

(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 increase expenditures.

\$250,000

While difficult to project due to unknown provider prescribing patterns the cost to ODM of reimbursing for the new services and medications is expected to be no more than \$250,000 for CY 2017. Any cost is a component of the budget associated with the ongoing initiative known as Behavioral Health Redesign, overseen by the Governor's Office of Health Transformation.

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:

Alcohol and substance abuse treatment providers are not required to render any of the newly available medications or services. Providers that wish to provide the medications or services are expected to have the clinical staff needed to do so, therefore, they should not experience any new personnel costs. Any costs are associated with the voluntary provision of the services for which providers will be able to submit claims to Ohio Medicaid for reimbursement.

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**

The rule originally included new language that would require behavioral health providers to include the practitioner of the service on the claim submitted to Ohio Medicaid for reimbursement. After submission of the rule package and BIA to CSIO that requirement was removed.