

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-4-06

Rule Type: Amendment

Rule Title/Tagline: Specific provisions for evaluation and management (E&M) 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?** 10/1/2021
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
6. **What are the reasons for proposing the rule?**

As a result of five-year review, this rule is being proposed for amendment to update policy related to the administration of the Medicaid program.

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

This rule sets forth coverage and payment policies for specific types of evaluation and management services (professional healthcare services involving assessment and decision-making).

As a result of review conducted pursuant to ORC 106.03, changes of three types have been made:

* Terms identified in Am. Sub. H. B. 166 (133rd G. A.) as causing a rule to be deemed to contain regulatory restrictions—'shall', 'shall not', 'must', 'may not', forms of 'require', and forms of 'prohibit'—have been removed, and the passages in which they appeared have been recast.

* The phrase 'office or clinic setting' has been generalized to 'non-hospital setting'.

* Orthographic errors (missing spaces between words) have been corrected.

There is no substantive change in policy.

- 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 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 121.75.

This rule incorporates one or more 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.

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

- 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

Not Applicable

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

Not Applicable

- 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? No**

- 17. 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 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? 0

B. How many existing regulatory restrictions do you propose removing? 7

5160-4-06(A)(1)(a) -- 'require'

5160-4-06(A)(3) -- 'requirements'

5160-4-06(B)(3)(a) -- 'must'

5160-4-06(B)(3)(b) -- 'must'

5160-4-06(B)(3)(d) -- 'must'

5160-4-06(B)(5) -- 'require'

5160-4-06(B)(5)(b)(i) -- 'must'