

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-4-12

Rule Type: Amendment

Rule Title/Tagline: Immunizations, injections and infusions (including trigger-point injections), skin substitutes, and provider-administered pharmaceuticals.

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?** 11/30/2021
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?**

This rule is being amended in accordance with five-year review performed pursuant to sections 106.03 and 106.031 of the Revised Code.

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

This rule sets forth general coverage and payment policies for injections and pharmaceuticals administered by medical practitioners. It is being amended. Several changes are being made:

* Terms identified in Am. Sub. H. B. 166 (133rd G. A.) as causing a rule to be deemed to contain regulatory restrictions have been replaced.

* Definitions of terms not used in the rule are removed.

* Certain other terms and phrases are updated or clarified.

* A shortened form is given for the web address of the Centers for Disease Control and Prevention.

* Statements that payment is the lesser of the provider's submitted charge or the established Medicaid maximum amount are removed because they are unnecessary. This specification is set forth in paragraph (B) of rule 5160-1-60 of the Ohio Administrative Code, "Medicaid payment."

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 includes one or more citations of reference material. In accordance with RC 121.72, the rule provides information sufficient to enable a reasonable person to whom the rule applies readily and without charge to find and inspect the reference material.

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? 5

5160-4-12(B)(3)(a) -- 'must'

5160-4-12(C)(6) -- 'must'

5160-4-12(D)(1)(a) -- 'must'

5160-4-12(D)(1)(b) -- 'must'

5160-4-12(E)(2) -- 'must'