

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-5-01  
**Rule Type:** Amendment  
**Rule Title/Tagline:** 5160-5-01.  
**Agency Name:** Ohio Department of Medicaid  
**Division:**  
**Address:** 50 Town St 4th floor Columbus OH 43218-2709  
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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? 10/9/2018**
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? 5162.20, 5164.02**
6. **What are the reasons for proposing the rule?**

This rule is being filed to meet five-year review requirement and 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.**

Rule 5160-5-01, "Dental services," sets forth Medicaid coverage and payment policies for dental services. It includes two appendices, one that lays out coverage of services by category and one that lists maximum payment amounts by the procedure.

The 2019 American Dental Association (ADA) Current Dental Terminology (CDT) code set is being adopted and Appendix B which contains a partial list of covered and non-covered CDT procedure codes is being rescinded.

When this rule is amended, ADA CDT procedure codes for both covered and non-covered services will be removed from this rule and posted elsewhere as they were prior to 2016. The list of CDT procedure codes, maximum fees and effective dates of coverage will be added to Appendix DD of 5160-1-60 "Medicaid payment" and will be posted on the Fees Schedules and Rates page of the Ohio Medicaid web site, <http://medicaid.ohio.gov/providers/FeeScheduleAndRates.aspx> (or its successor).

In conjunction with the amendment of OAC rule 5160-22-01, ambulatory surgery centers (ASC) are being added as a service type for payment of dental services in paragraph (A).

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).

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 (in an appendix) incorporates one or more dated references to an ODM form or forms. Each form, in accordance with RC 121.75(E), is generally available through the ODM web site (<http://medicaid.ohio.gov>) to persons affected by this rule.

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. 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?**

The cost of compliance lies in the time needed to complete documentation of medical necessity and the services provided. Completing documentation of medical necessity and the services provided takes between five and thirty minutes of provider staff time. This estimate is based on the personal experience of practicing dentists, including the ODM medical technical advisors (MTAs). The wage cost depends on who performs the task. The median statewide hourly wage for a billing clerk, according to Labor Market Information (LMI) data published by the Ohio Department of Job and Family Services, is \$16.10; for a dentist, it is \$87.21. Adding 30% for fringe benefits brings these figures to \$20.93 and \$113.37. So generating a necessary document costs between \$1.75 (five minutes at \$20.93 per hour) and \$56.69 (thirty minutes at \$113.37 per hour).

- 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? Yes**
- 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? Yes**

This rule requires a report of information.