

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-5-01

Rule Type: Amendment

Rule Title/Tagline: Dental services.

Agency Name: Ohio Department of Medicaid

Division:

Address: 50 West Town Street Suite 400 Columbus OH 43218-2709

Contact: Tommi Potter **Phone:** 614-752-3877

Email: Tommi.Potter@medicaid.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 4/1/2027
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 33 - 135
- J. Edwards
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. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

To implement provisions under Amended Sub. H.B. 33, 135st Gen. Assembly, relating to the administration of the Medicaid program.

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

Changes incorporated into the rule body include the following:

A dated reference to the provider type "fee-for-service clinic" has been updated to "ambulatory health care clinic". The date of the Code of Federal Regulations (C.F.R.) definition of "Metropolitan statistical area (MSA)" has been updated.

Changes incorporated into appendix A include the following:

Covered services are updated based on new procedure codes added to the American Dental Association (ADA) Code on Dental Procedures and Nomenclature (CDT) for 2023. The appendix contains service definitions, quantity and frequency limits, conditions and restrictions, and requirements for prior authorization (PA) for the newly listed services. Note that new CDT services that were added in 2023 were previously added to the Appendix DD to rule 5160-1-60 revised January 1, 2023.

A statement is added clarifying policy on quantity/frequency limits, which may be exceeded with prior authorization based on medical necessity. The frequency limits for complete, immediate, and partial dentures are changed from "1 per 8 years, except in very unusual circumstances" to "1 per 8 years." Adult dental prophylaxis and periodic oral evaluations coverage is amended to remove unnecessary language. The quantity/frequency limits are removed for sealants and interim caries arresting medicament application. The restriction of only anterior teeth being covered for fused porcelain or porcelain/ceramic substrate crowns is removed. Minor changes are made to service descriptions throughout for clarity.

These changes will enhance the dental services and treatment options while aligning the dental codes and rates for consistency.

9. Does the rule incorporate material by reference? Yes

10. 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 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.

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.

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

ODM received questions from providers in regard to caries arresting medicament application. In response to these questions, ODM is clarifying the coverage policy for this service. ODM is adding a frequency limitation of three times per tooth, per year for "interim caries arresting medicament application." Appendix A was revised to reflect this change.

ODM received feedback from one of its provider groups. The providers requested the addition of two new dental services to the Appendix A of the Dental Rule (5160-5-01). These services are: "Partial Denture, flexible base (including retentive/clasping materials, rests, and teeth), maxillary" and "Partial Denture, flexible base (including retentive/clasping materials, rests, and teeth), mandibular". These services were requested to be added as an alternative choice for patients for their partial dentures (ODM currently covers partial dentures cast metal framework with resin base and all resin bases). These services were requested because their patients have a preference for this service; and the providers been observed that these dentures are typically less invasive and more comfortable for their patients. Appendix A was revised in order to reflect the addition of these two services.

In addition, prefabricated porcelain/ceramic crowns will no longer be paid at different maximum fees for anterior and posterior teeth as reflected in the rates in OAC 5160-1-60 Appendix DD. Appendix A was revised to reflect this change.

II. Fiscal Analysis

12. 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.

(See the note.)

Because payment amounts for dental services are listed in the appendix to rule 5160-1-60, the impact of changes to those payment amounts is addressed in the fiscal analysis of that rule.

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

Not Applicable

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **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

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

18. **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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable