

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

Agency Name

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Division

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5160-8-51

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Acupuncture 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: **5164.02**

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

New rule 5160-8-51, "Acupuncture services," is being proposed to change 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 describes Medicaid coverage of acupuncture services, lists providers who will be eligible to receive Medicaid payment for rendering acupuncture services, and describes how payment will be made. It will allow acupuncturists practicing in non-institutional settings to submit claims to the Ohio Department of Medicaid (ODM) independently and also will allow other eligible non-institutional providers to submit claims to ODM. Payment may be made for covered acupuncture services rendered to treat either low back pain or migraine.

In conjunction with this work, rule 5160-8-11 is being amended to add coverage and payment of acupuncture services rendered by a chiropractor.

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 the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

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

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:

Not Applicable.

12. Five Year Review (FYR) Date:

(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.

\$816,000

The addition of acupuncture services to the Medicaid program is estimated to increase expenditures by \$816,000 over the current biennium.

Individuals may choose to obtain acupuncture services as an alternative to other types of healthcare services or medications, which could in turn make this policy budget neutral.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

651-525

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:

To receive payment for acupuncture services, a provider must obtain a Medicaid acupuncture specialty by showing proof of acupuncture certification or licensure by the Ohio State Medical Board, or in the case of physicians, medical training in acupuncture.

Any expenses for licensure, certification, and medical training would be required in order to meet existing professional standards; these costs would be incurred before providers enroll with Medicaid. Providers interested in submitting claims to Medicaid for acupuncture services are not expected to incur additional costs as a result of this rule.

Acupuncturists must hold a certificate issued under Chapter 4762. of the Revised Code. The certificate is obtained from the Ohio State Medical Board (OSMB). The

application fee for initial acupuncture licensure is \$100.00. All applicants for licensure are also required by the OSMB to complete an FBI and Ohio BCI criminal records check. Criminal Record Check fees are \$24.00 (FBI) and \$22.00 (Ohio BCI), plus vendor processing fees.

Providers such as advanced practice registered nurses and physician assistants must become acupuncturists through the OSMB in order to provide acupuncture services. The cost is the same as listed above for acupuncturists.

Other recognized acupuncture providers include physicians and chiropractors. Physicians must hold a current and active designation from the National Certification Commission for Acupuncture and Oriental Medicine as a diplomate in acupuncture. The cost to obtain this credential (application and examination fees) ranges from \$775 to \$895 plus preparation time. The cost of obtaining an acupuncture certificate through the Ohio State Chiropractic Board is \$100.

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? **Yes**

An acupuncturist must hold at least one of the following certificates: (a) a valid certificate to practice as an acupuncturist issued under Chapter 4762. of the Revised Code; or (b) a valid certificate to practice as an oriental medicine practitioner issued under Chapter 4762. of the Revised Code.

Other providers recognized by Medicaid to render acupuncture services must hold the credential indicated in the following list: (a) Chiropractor - a valid certificate to practice acupuncture issued under section 4734.283 of the Revised Code; (b) Physician - completion of medical training in acupuncture with a current and active designation, or an equivalent designation, as a diplomate in acupuncture from the national certification commission for acupuncture and oriental medicine; or (c) Other individual Medicaid

provider (e.g., advanced practice registered nurse, physician assistant) - a valid certificate as an acupuncturist issued under Chapter 4762. of the Revised Code.

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**