

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-8-51

Rule Type: New

Rule Title/Tagline: Acupuncture services.

Agency Name: Ohio Department of Medicaid

Division:

Address: 50 Town St 4th floor 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?**
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 the five-year rule review process, this rule is being amended to expand coverage of acupuncture services for additional conditions and to clarify policy related to Medicaid coverage and payment for acupuncture services.

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

This rule describes Medicaid coverage of acupuncture services, lists providers who are eligible to receive Medicaid payment for rendering acupuncture services, and describes how payment will be made. This rule allows acupuncturists practicing

in non-institutional settings to submit claims for acupuncture services to the Ohio Department of Medicaid (ODM) independently and also allows other eligible non-institutional providers to submit claims to ODM. This rule expands coverage and payment of acupuncture services for treatment of cervical (neck) pain, osteoarthritis of the hip, osteoarthritis of the knee, nausea or vomiting related to pregnancy or chemotherapy, and acute post-operative pain. Low back pain and migraine will continue to be covered.

- 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 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 121.75(A)(1).

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

In the refiled version of new rule 5160-8-51, the phrase "at the written order of a practitioner" was removed from paragraph (C)(1)(b) because it was causing confusion. For acupuncturists, the written order requirement applies only for the supervisory period. After the supervisory period, a confirmation of a written order or prescription is needed. In order to be clear, the paragraph was rewritten to read, "(b) It is performed in accordance with section 4762.10 or 4762.11 of the Revised Code."

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 increase expenditures.

\$225,000

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

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

No cost of compliance

- 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.**

N/A

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**

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

- 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? No

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

Not Applicable

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

Not Applicable