

## LEGAL NOTICE

STATE OF OHIO  
DEPARTMENT OF HUMAN SERVICES

Pursuant to 42 CFR 447.205, and Section 5111.02 and Chapter 119 of the Ohio Revised Code the Director of the Department of Job and Family Services gives notice of the department's intent to propose rule 5101:3-9-09 as a new rule and amend rules 5101:3-1-08, 5101:3-1-13.1, 5101:3-1-17.2, 5101:3-1-29, 5101:3-1-60, and 5101:3-9-06 with a public hearing thereon.

Rule 5101:3-9-09 entitled Consumer cost-sharing for certain pharmacy medications implements consumer cost sharing for medications not found in Appendix A of the department's rule 5101:3-9-12 of the Administrative Code. 5101:3-9-09 of the Administrative Code specifies that the department will impose a \$3.00 copayment for prescription medications not found on the department's Appendix A drug list. The rule further defines who is subject to the cost sharing requirement and the applicable exclusions from cost sharing. The rule also prohibits providers from denying medication from consumers due to the inability to pay the cost sharing amount. This rule is being proposed to implement fiscal constraints of H.B. 95 of the 125<sup>th</sup> General Assembly. The department estimates that expenditures will be decreased by \$913,000 (total funds) on an annual aggregate basis.

Rule 5101:3-1-08 entitled Third-party liability defines the process providers must follow in order to bill the department when other health care insurance resources (third-party payers) are known to the department. The rule is amended to reference rule 5101:3-9-09 of the Administrative Code defining the circumstances under which certain Medicaid consumers are required to pay cost sharing for medications not found on the department's list of drugs covered without prior authorization.

Rule 5101:3-1-13.1 entitled Medicaid consumer liability [except for consumers enrolled in medicaid contracting managed care plans] defines the extent of the medicaid consumer's liability in regards to the provision of health care services. The rule is amended to reference rule 5101:3-9-09 of the Administrative Code defining the circumstances under which certain Medicaid consumers are required to pay cost sharing for medications not found on the department's list of drugs covered without prior authorization.

Rule 5101:3-1-17.2 entitled Provider agreement for providers [except long-term care facilities and medicaid contracting managed care plans] defines the criteria under which a provider may become a medicaid provider. The rule is amended to reference rule 5101:3-9-09 of the Administrative Code defining the circumstances under which certain Medicaid consumers are required to pay cost sharing for medications not found on the department's appendix A drug list.

Rule 5101:3-1-29 entitled Medicaid fraud, waste, and abuse describes the department's program to prevent and detect fraud, waste, and abuse. This rule is amended to reference rule 5101:3-9-09 of the Administrative Code defining the circumstances under which certain Medicaid consumers are required to pay cost sharing for medications not found on the department's list of drugs covered without prior authorization.

Rule 5101:3-1-60 entitled Medicaid reimbursement defines the department's reimbursement policies. The rule is amended to reference rule 5101:3-9-09 of the Administrative Code defining the circumstances under which certain Medicaid consumers are required to pay cost sharing for medications not found on the department's list of drugs covered without prior authorization.

Rule 5101:3-9-06 entitled Prescription billing and recordkeeping requirements defines the department's policies regarding billing and recordkeeping for pharmacy services. The rule is amended to reference rule 5101:3-9-09 of the Administrative Code defining the circumstances under which certain Medicaid consumers are required to pay cost sharing for medications not found on the department's list of drugs covered without prior authorization.

A copy of the proposed rules is available without charge to any person at each CDJFS and at the address listed below. The rules are also available on the Internet at <http://www.state.oh.us/odjfs/legal.htm> .

A public hearing on these rules will be held on September 16, 2003 at 10:00 a.m. in Room 1823 of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio. Either written or verbal testimony on the proposed rules will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the hearing will be treated as testimony. Requests for a copy of the proposed rules or comments on them should be submitted by mail to Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [legal@odjfs.state.oh.us](mailto:legal@odjfs.state.oh.us). Written comments may be reviewed at the department at the address listed above.