

## LEGAL NOTICE

STATE OF OHIO  
DEPARTMENT OF JOB AND FAMILY SERVICES

Pursuant to section 5111.02 and Chapter 119 of the Revised Code, the Director of the Department of Job and Family Services gives notice of the department's intent to amend rules 5101:3-1-60, 5101:3-10-08, 5101:3-10-11, 5101:3-10-19, 5101:3-10-20, and 5101:3-10-24. The Director of the Department of Job and Family Services also gives notice of a public hearing upon the permanent rules, 5101:3-1-60, 5101:3-10-08, 5101:3-10-11, 5101:3-10-19, 5101:3-10-20, and 5101:3-10-24.

Rule 5101:3-1-60 entitled, Medicaid reimbursement, contains the fee schedule for Medicaid reimbursable procedures for non-institutional providers. The rule body is being amended to add a reference to a new rule that contains habilitation services codes and fee schedule. Appendix DD of the rule is being amended to add new codes, delete obsolete codes, and/or update the fee schedule for: orthotics, prosthetics including hearing aids; DME codes in the Medicaid supply list including wheelchairs; certain injection codes; laboratory and ambulatory surgical center (ASC) procedures. The changes made to DME codes including the orthotic, prosthetic, hearing aid codes and the Medicaid supply list are necessitated by the Health Insurance Portability and Accountability Act (HIPAA) to delete local level codes which are not HIPAA compliant and replace these deleted codes with HIPAA compliant codes. Two laboratory codes were added to replace two obsolete codes. Finally, changes were made to the payment group classifications of some ASC codes. The fee schedule rates for injection codes are being revised to assure that they do not exceed the medicare fee schedule. The Department estimates that the changes to the injection code rates will reduce expenditures by approximately \$1,000,000. However, when combined with the overall revisions, deletions and additions of all the procedure codes (including the increased cost to cover digital and programmable hearing aids), the fiscal impact of this rule is budget neutral.

Rule 5101:3-10-08 entitled, Repair of medical equipment, describes covered medical equipment repairs and limitations. It was amended to replace obsolete or local level codes with HIPAA compliant codes and to clarify program coverage and policy for major and minor medical equipment repair including labor and prior authorization requirements. The Department estimates that there is no fiscal impact.

Rule 5101:3-10-11 entitled, Hearing aids, contains the coverage and reimbursement provisions for hearing aids. It is being amended to specify coverage for digital and programmable hearing aids and details the criteria that must be met including the prior authorization requirements for these hearing aids. Other amendments to this rule include revisions to the prior authorization requirements for all hearing aids, a listing of several hearing aids types which are not covered by the Department, warranty requirements, and policy on the replacement of hearing aids for non-medical reasons. The Department estimates that there will be a fiscal impact to cover medically necessary digital and programmable hearing aids of approximately \$1,000,000. This fiscal impact is described in rule 5101:3-1-60.

Rule 5101:3-10-19 entitled, Definitions of terms associated with orthotic and prosthetic services, contains definitions of terms associated with orthotic and prosthetic services. The definition of "additions to" was updated according to HIPAA compliant coding changes. The Department estimates that there is no fiscal impact.

Rule 5101:3-10-20 entitled, Covered orthotic and prosthetic services and associated limitations, describes covered orthotic and prosthetic services and their limitations. It was amended to include coverage and limitations of gradient pressure stockings. Amendments also include coverage and limitations of repair or replacement of parts for orthotic or prosthetic devices and the associated labor component. Changes were made to the appendix to strike local level or obsolete codes and to add HIPAA complaint codes. The Department estimates that there is no fiscal impact.

Rule 5101:3-10-24 entitled, Assistive communication devices (ACD), addresses the coverage provisions for assistive communication devices now known as speech-generating devices. The amendment to this rule clarifies that term assistive communication devices used in this rule is being replaced by the nationally used term "speech generating devices". The Department estimates that there is no fiscal impact.

A copy of the amended rules is available without charge to any person affected by it at the address listed below. The amended rules are available to every CDJFS and are also available on the Internet at: <http://www.registerofohio.state.oh.us>.

A public hearing on these rules will be held on August 16, 2004 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 43215-0414, 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.