

**FEDERAL MEDICAID NOTICE AND PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: February 16, 2007
TIME: 10:00 a.m.
LOCATION: Room 2925, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5111.0112 and 5111.02 and Chapter 119. of the Ohio Revised Code and 42 CFR 447.205, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rule as identified below and of a public hearing thereon.

Rule 5101:3-1-60, entitled "Medicaid reimbursement," sets forth the reimbursement policies for all professional providers.

This rule was amended on an emergency basis and is now being proposed for amendment on a permanent basis to implement the 2007 Healthcare Common Procedural Coding System (HCPCS) codes to maintain consistency with industry standards for medical coding, to comply with federal requirements under the Health Insurance Portability and Accountability Act (HIPAA). These amendments include the addition of new codes, deletion of obsolete codes, and revision of any definitional changes necessitated by changes in the 2007 American Medical Association in its 2007 Current Procedural Terminology (CPT) book and the 2007 Healthcare Procedure Coding System (HCPCS) book. Changes also include the creation of fees for the new 2007 codes and discontinuing of the fee for codes obsoleted. Some of the coding changes require amendments to existing policy on coverage. The Department estimates that there is no fiscal impact resulting from these changes.

In addition, the proposed amendment to this rule includes the following changes that have been made for clarity: In paragraph (A) (1); the term "reimbursement methodologies" is replaced with "principles"; Paragraph (A)(2) is stricken and replaced with new language that clarifies the expectation that Medicaid providers take reasonable measures to determine any third-party resources available to the consumer and to file a claim with that third party when required to do so in accordance with rule 5101:3-1-08 of the Administrative Code. The language also reiterates ODJFS reimbursement when there is third-party payment. In paragraph (C), "actually needed" is replaced with "that are medically necessary". In paragraph (J)(2), references to dates of service prior to July 1, 2003 are removed. In paragraph (J)(5), references to dates of service prior to May 1, 2001 are removed and references to dates of service on or after May 1, 2001 are clarified. Paragraph (L) is revised to reflect that the Medicaid maximums described in paragraph (J) of this rule will not exceed the authorized level for the same services under the medicare program except as otherwise permitted by federal statute or regulation and at the department's discretion. Paragraph (M) is clarified with correct terminology. Appendix DD is revised to remove category II codes, which are tracking codes for performance measurement rather than for billing, claims payment, or reimbursement. In

addition to these changes, effective for dates of service on and after April 1, 2007, price revisions were made to codes including but not limited to 37216, 44135, 78608, J7302, E0445, A4230, A4231, E0912, E2618, A4510, D0273, 82270, 83037, 88385, and 88386. The estimated fiscal impact for these changes is \$100,600 over a 12-month period.

A copy of the proposed rule is available, without charge, to any person affected by the rule at the address listed below and at the county departments of job and family services. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony. Requests for a copy of the proposed rule or comments on the rule should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@odjfs.state.oh.us. Comments may be reviewed at this address.