

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

Date: October 30, 2007

Time: 10:00am

**Location: Multi-Purpose Room 1st Floor Lobby, State Office Tower, 30 East Broad St.
Columbus OH 43215**

Pursuant to section 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 rules as identified below and of public hearing thereon.

Rule 5101:3-4-02.2, entitled "Site differential payments and place of service," outlines provisions for the variance in Medicaid maximum fee for services provided in a hospital setting. This rule is being proposed for amendment to update the appendix to the site differential rule to correct discrepancies. The services that are subject to this Medicaid maximum fee variance are listed in Appendix A of this rule. The variance in the Medicaid maximum fee is referred to as the site differential payment. Appendix A has been amended to reflect that a site differential of 80% of the Medicaid maximum fee will apply to psychotherapy services provided in a hospital setting. Consultation codes 99241 and 99242 were also added to this appendix.

Another amendment to this rule is updating the billing instructions to reference current Medicaid billing instructions. The Department estimates that its expenditures will decrease by \$296,723.00 on an annual basis as a result of this change.

These rules are proposed for amendment to implement Medicaid maximum fee changes funded in Am. Sub. H.B. 119 as part of the Governor's biennium budget.

Rule 5101:3-1-60, entitled "Medicaid reimbursement," sets forth the reimbursement policies for all professional Medicaid providers. The proposed amendment to this rule is to make changes to the Medicaid maximum fees for certain Current Procedural Terminology (CPT) codes. Under the proposed fee changes, the Medicaid maximum fee for certain CPT codes were increased, decreased, or left unchanged as a part of the aggregate 3 percent increase being implemented for CPT codes on claims with dates of service on or after January 1, 2008. Information including 2007 Medicare prices and 2007 relative value units (RVUs) for all CPT codes was used to evaluate the proposed fee changes. The proposed fee increases were focused in certain CPT code categories. The following categories received significant fee increases: new and established office visits, preventative medicine visits, consultations, psychiatry, neonatal care, and critical care. There are other CPT code categories that received focused fee increases. The Medicaid maximum fees for some CPT codes were reduced if the previous rate exceeded the 2007 Medicare fee. To identify the Medicaid maximum fee changes for all CPT codes please refer to Appendix DD of Ohio Administrative Code rule 5101:3-1-60.

This rule is also proposed for amendment to increase the Medicaid maximum fee for each ASC group. The proposed Medicaid maximum fee increase for each ASC group is 3 percent. The new Medicaid maximum fee for each ASC group can be located in paragraph (J) (4) of this rule.

This rule is also proposed for amendment to implement a 3 percent Medicaid maximum fee increase for the following community providers: free standing dialysis clinics, transportation services, and dental services.

This rule is also proposed for amendment to increase the Medicaid maximum fee for durable medical equipment (DME) labor component Healthcare Common Procedure Coding System (HCPCS) codes for the repair or replacement of DME equipment. The proposed fee increase for these DME labor component codes is 22 percent. Medicaid maximum fees have been established for certain covered DME items utilizing historical Medicaid maximum fees for these codes.

The Department estimates that its expenditures will increase by \$6,459,212.00 on an annual basis as a result of these changes.

Rule 5101:3-4-08.1, entitled "Payment for prenatal visits," outlines coverage provisions for pre-natal visits. The amendments to this rule are increasing the Medicaid maximum fee for pre-natal visit codes by 3 percent. Reimbursement for new office visit codes 99201 and 99202 and established office visit codes 99212 and 99213 billed with a "TH" modifier to signify prenatal care has been increased to \$49.85 for dates of service on or after January 1, 2008. The Medicaid maximum fee for prenatal office visit code 99203 has been updated. The Medicaid maximum fee for this code has increased and is specified in Appendix DD of 5101:3-1-60 for dates of service on or after January 1, 2008. The Department estimates that its expenditures will increase by \$38,393.00 on an annual basis as a result of these changes.

Rule 5101:3-4-12, entitled "Immunizations," outlines coverage provisions for immunizations. This rule is being amended to announce the Medicaid maximum fee associated with vaccination administration rates for vaccinations covered under the federal vaccinations for children program (VFC) will receive an increase. The Medicaid maximum fee for these vaccines will be \$10.00 for dates of service on or after January 1, 2008. The vaccinations associated with this increase can be located in paragraph (A) of this rule. The Department estimates that its expenditures will increase by \$205,000.00 on an annual basis as a result of this change.

A copy of the proposed rules are available, without charge, to any person affected by the rules at the address listed below and at the county departments of job and family services. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules 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 rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st floor, Columbus, Ohio 43215-3434, by fax at (614) 752-8298, or by email at rules@odjfs.state.oh.us. Comments may be reviewed at this address.