

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: February 17, 2009
TIME: 9:00 am
LOCATION: Room 2925, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to Section 5111.02 and Chapter 119 of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Dental services rules are being amended to incorporate the Healthcare Common Procedure Coding System (HCPCS) updates effective January 1, 2009. HCPCS, which includes Current Procedural Terminology (CPT) codes, is the national standard medical procedure coding system for the purpose of reporting medical services for billing and claims payment. HCPCS is used by Medicare, Medicaid, private health insurance plans, and managed care plans. The federal Centers for Medicare and Medicaid Services (CMS), in conjunction with the American Medical Association (AMA) and other professional groups, updates HCPCS annually. The Ohio Department of Job and Family Services must implement HCPCS to be in compliance with the Health Insurance Portability and Accountability Act (HIPAA), which requires the use of a nationally standardized coding system (45 CFR 162.1000 and 45 CFR 162.1002).

Four types of HCPCS code changes will be effective January 1, 2009: new, obsolete, and revised codes, and definitional changes and associated reimbursement levels. New HCPCS codes correspond to services without prior existing codes or services with prior existing codes that have been simultaneously obsoleted. Revised HCPCS codes correspond to services that have a revised definition. New HCPCS codes that correspond to services without prior existing codes require coverage and payment decisions that are reflected in appendix DD to rule 5101:3-1-60 of the Ohio Administrative Code.

The following dental program rules are being amended to adopt new CDT-9 code nomenclature for covered dental services.

Rule **5101:3-5-04**, entitled "Dental program: covered preventive services and limitations" sets forth Medicaid program coverage of preventative dental services. The amendment changes the nomenclature of procedure "topical application of fluoride (prophylaxis not included) – child" to "topical application of fluoride – child." This change is due to a definition change in the annual HCPCS update. Additionally a grammatical change has been made in paragraph (A)(1)(c) but the content is the same. The department estimates that there is no fiscal impact resulting from this change.

Rule **5101:3-5-06**, entitled "Dental program: covered endodontic services and limitations" sets forth Medicaid program coverage of endodontic dental services. The

amendment changes the nomenclature of complete root canal therapy procedures codes to include endodontic therapy and tooth. This change is due to a definition change in the annual HCPCS update. In (C)(4) and (5) the word "covered" is replacing the word "authorized" to clarify that prior authorization is not required for complete root canal endodontic therapy procedures. Additionally (E)(1)(b)(i) has been changed from a lettered paragraph to an unlettered paragraph but the content is the same. The department estimates that there is no fiscal impact resulting from this change.

Rule **5101:3-5-07**, entitled "Dental program: covered periodontic services and limitations" sets forth coverage of Medicaid periodontic dental services. The amendment changes the nomenclature of procedure "gingivectomy or gingivoplasty – per quadrant" to "gingivectomy or gingivoplasty – four or more contiguous or bounded teeth spaces per quadrant." This change is due to a definition change in the annual HCPCS update. The department estimates that there is no fiscal impact resulting from this change.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) 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(s) or comments on the rule(s) 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 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.