

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: May 15, 2017
TIME: 11:00 AM
LOCATION: Room A501, Lazarus Government Center
50 West Town Street, Columbus, OH 43215

Pursuant to section 5164.02 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Medicaid gives notice of the Department's intent to consider the amendment of the rule identified below and to hold a public hearing on the rule.

Current rule 5160-4-22, "Surgical services," sets forth provisions for coverage of and payment for surgical services. This rule is being proposed for amendment to add co-surgery as a covered service.

The Department is proposing a change in the method and standard for setting payment rates for surgical services through the adoption of a modifier (modifier 62) for surgical operations when two or more surgeons of different specialties contribute to one operative session and each separately submits claims to the department for their services. The department is adopting this method for paying co-surgery surgical services to align with Medicare and allow these services to be billed and paid correctly as co-surgery services rather than billed as assistant-at-surgery services. The proposed amendments also remove language from paragraph (A) (4) of the current professional surgical services rule which states that "payment for the surgical treatment of obesity requires prior authorization." This language was added in error when this regulation was previously rule-filed. This language in the rule regarding prior authorization is inaccurate as the Ohio Department of Medicaid does not require a professional surgical provider to obtain a prior authorization for their professional surgical services. The prior authorization language can be found in ODM's hospital OAC Rule 5160-2-03, which requires the hospital facility to obtain any needed prior authorization before a surgery is performed.

It is estimated that this change will have no appreciable effect on annual aggregate Medicaid expenditures because the new method of correct coding of professional medical claims results in the same aggregate amounts currently paid by the department when the claims are submitted as "assistant-at-surgery" claims.

The public hearing will be held at the date, time, and location listed at the top of this notice. Both written and oral testimony will be accepted at the public hearing, and written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Any person affected by these rules may examine them and obtain a copy, without charge, at the following locations:

Ohio Department of Medicaid, 50 West Town Street, Fourth Floor, Columbus, Ohio 43215;
Any county department of job and family services; or
On the internet at <http://www.registerofohio.state.oh.us/>.

Testimony on the proposed rules may also be reviewed at the Ohio Department of Medicaid, 50 West Town Street, Fourth Floor, Columbus, Ohio 43215.

Requests for a copy of the proposed rules or a copy of testimony on the rules should be submitted in any of the following ways:

By mail to the Rule Administrator, Office of Chief Legal Counsel, Ohio Department of Medicaid, 50 West Town Street, Fourth Floor, Columbus, OH 43215;

By fax to (614) 995-1301; or

By e-mail to rules@medicaid.ohio.gov.