

Hearing Date: 11/17/2017

Today's Date: 12/7/2017

Agency: Ohio Department of Medicaid

Rule Number(s): 5160-8-51 (Acupuncture services) and 5160-8-11 (Spinal manipulation and related diagnostic imaging services)

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. J. Ryan Williams, Brouse McDowell, on behalf of Matthew Gajkowski DC, Vice President of the Northeast Ohio Academy of Chiropractic / rules 5160-8-51 and 5160-8-11
2. Dr. Brandy Spaulding, Ohio State Chiropractic Association / rule 5160-8-11
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Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

J. Ryan Williams, Brouse McDowell, on behalf of Matthew Gajkowski DC, Vice President of the Northeast Ohio Academy of Chiropractic (NOAC), submitted testimony requesting that the Ohio Department of Medicaid (ODM) modify proposed rules 5160-8-51 and 5160-8-11 to, "(a) permit payment of evaluation and management services that are (i) furnished to initially establish an acupuncture treatment plan, and/or (b) separately identifiable and unrelated to an acupuncture service; (b) permit chiropractic physicians to bill for the initial evaluation and management service furnished to establish an acupuncture treatment plan; and (c) permit chiropractic physicians to bill and receive reimbursement for their full scope of practice."

In addition, NOAC voiced objections to proposed rules 5160-8-51 and 5160-8-11. First, NOAC is opposed to paragraph (3)(D) of rule 5160-8-51. Mr. Williams stated that, "Chiropractic physicians are required by law, by standard care, by their malpractice carriers and by what is in the best interest of the patient to perform a comprehensive medical history and physical examination on every patient...a comprehensive medical history and physical examination is within the scope of practice of chiropractic physicians...chiropractic physicians will also perform a comprehensive medical history and physical examination for each patient prior to the start of an acupuncture treatment plan." Second, NOAC is also opposed to, "Chiropractors not being able to receive payment for a comprehensive medical history and physical examination performed in connection with acupuncture services." NOAC said not being able to receive payment from ODM for evaluation and management services, "Will directly result in (a) fragmentation of clinical care, and (b) increased out-of-pocket expense to Medicaid beneficiaries." Finally, NOAC said that payment for evaluation and management services would be "revenue neutral." The Ohio Department of Medicaid considered and responded to NOAC's comments, which were similar to these comments, in previous public comment periods.

The Ohio State Chiropractic Association (OSCA) said they appreciated ODM moving forward on the acupuncture rule and also including Doctors of Chiropractic (DCs). OSCA reiterated, "The value that DCs could have on the Medicaid population if the department would allow for more reimbursement within their current scope of practice than what they are currently receiving." OSCA included recent research on access to chiropractic care being less costly and more effective than other treatment options available. OSCA stated they are open to incremental steps that would allow greater access to chiropractic and better meet the non-opioid needs of Ohioans for pain management.

Hearing Report and Summary

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s).
If no comments were incorporated, explain why not.

The comments received during the public hearing process did not result in a change to the rules in the acupuncture rule package. The comments received were similar to comments previously submitted by stakeholders and were addressed by ODM during the previous public comment period. A comprehensive response document was sent to stakeholders after the previous comment period on July 14, 2017. As a result of stakeholder comments received during the previous comment period and before original file of these rules, ODM updated new rule 5160-8-51 to: (1) cover acupuncture services with electrical stimulation, (2) ensure coverage will be available as long as the patient demonstrates clinical improvement, and (3) remove place of service restrictions.