

Hearing Date: 1/4/2021

Today's Date: 3/4/2021

Agency: Ohio Department of Medicaid

Rule Number(s): 5160-8-51

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

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

1. Jared West from the Ohio Association of Acupuncture and Oriental Medicine (OAAOM), rule 5160-8-51, Acupuncture

2. Dr. Irina Todorov, Cleveland Clinic, rule 5160-8-51, Acupuncture

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## Hearing Report and Summary

### **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).

The Ohio Department of Medicaid (ODM) received two comments from the above-mentioned organizations during the public hearing on January 4, 2021 for rule 5160-8-51, Acupuncture. The Cleveland Clinic requested that ODM cover acupuncture services for the treatment of chronic low back pain. OAAOM requested that ODM pay providers for evaluation and management services separately and within the same visit as an acupuncture service. OAAOM requested that ODM share efficacy data.

## 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.

No comments were incorporated into rule 5160-8-51.

ODM already covers acupuncture services for the treatment of chronic low back pain. This coverage will continue under the new rule (attached).

Practitioners (e.g., physicians) who are eligible to render E/M services may receive payment for covered E/M services. The AMA's CPT codebook states that additional E/M services may be reported separately if the patient's condition requires a separately identifiable E/M service beyond the usual pre service and post-service work associated with treatment. However, no separate payment will be made for both an E/M service and an acupuncture service rendered by the same eligible practitioner (e.g., physician) to the same individual on the same day. ODM considers acupuncture to be an inclusive procedure, not unlike a skin biopsy, in which limited E/M services are part of the procedure when performed on the same day. An acupuncturist is not eligible to receive payment for an E/M service because Section 4762.10(D) of the Ohio Revised Code (ORC) states that a person certified to practice acupuncture under ORC Chapter 4762 may not make a diagnosis. An E/M service requires an eligible practitioner to diagnose conditions.

Due to the pandemic, ODM has not yet put together data or reports on the efficacy of acupuncture. As OAAOM requested, as time and the budget permits, ODM will continue considering further options to use acupuncture.