

**MEMORANDUM**

**TO:** Tommi Potter, Ohio Department of Medicaid

**FROM:** Sophia Papadimos, Regulatory Policy Advocate

**DATE:** October 14, 2015

**RE:** **CSI Review – Dental Services (OAC 5160-5-01, 5160-5-02, 5160-5-03, 5160-5-05, 5160-5-06, 5160-5-07, 5160-5-08, 5160-5-09, 5160-5-10, 5160-5-11 and Appendices A and B)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

The Ohio Department of Medicaid (ODM) is proposing to rescind ten rules and one appendix and replace those with one new rule (OAC 5160-5-01) and two appendices, pursuant to the five-year review requirement in statute. The rule package was submitted to the CSI Office on September 22, 2015 and the public comment period was held open through September 29, 2015. Two comments were received during this time.

The rules in this package set forth ODM's coverage and payment policies for dental services. The new rule will have updated terminology and will no longer require prior authorization. Additionally, coverage will be established for periodontal scaling and root planing services. Also, payment increases have been established for dental services provided in rural areas, based on funds appropriated in the recently-enacted state budget bill.

The rule requires providers to have valid Medicaid provider agreements. Both the existing rules and new rule specify that participating practitioners must hold a current license and maintain documentation of the services provided and the medical necessity of the services. According to ODM, the requirements are consistent with professional standards. The adverse impact is the time necessary to complete the required documentation. ODM estimated that this takes at most thirty minutes per patient.

According to the BIA submitted by the Department, substantial stakeholder outreach was conducted over the past year. In drafting the new rule, ODM worked with the Ohio Dental Association (ODA), the Ohio Department of Health Director's Task Force on Oral Health and Access to Dental Care, the Children's Oral Health Action Team, the Universal Health Care Action Network, the Ohio Hospital Association, the Ohio Association of Community Health Centers, and individual members of the Ohio State Dental Board. During the public comment period, the Chairman and the Executive Director of the Ohio Dental Association commented in support of the rule package.

After reviewing the rule package, the CSI Office has determined the purpose of the rules is justified.

### **Recommendation**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Medicaid should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.