

**MEMORANDUM**

TO: James Tassie, Chief Legal Counsel, Ohio Department of Medicaid

FROM: Paula Steele, Regulatory Policy Advocate

DATE: December 19, 2014

RE: **CSI Review – Ambulatory Surgery Centers** (OAC 5160-22-01)

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) submitted to the CSI Office one amended draft rule as part of a five-year rule review required by Ohio statute. The proposed rule addresses ambulatory surgery centers' (ASC) eligibility to participate in the Ohio Medicaid program. This rule package was filed with the CSI Office on December 5, 2014 and the comment period for the rules closed on December 12, 2014. No comments were received during the public comment period.

An ASC is an entity that provides surgical services for patients that do not need hospitalization. The proposed rule prescribes eligibility requirements to become an Ohio Medicaid provider. To be eligible, the rule requires an ASC to have a valid agreement with the Centers for Medicare and Medicaid Services (CMS) to provide services to the Medicare program and an executed Ohio Medicaid Provider Agreement. The proposed rule is being amended to replace references to federal regulation numbers and effective dates, and in their place simply reference the CMS Medicare program. The proposed rule is also amended to add reference to OAC 5160-22-01 which prescribes the reimbursement process for ACS services.

According to the BIA, ODM reached out to the Ohio Association of Ambulatory Surgery Centers (OAASC), for input on the rule. No comments or suggestions were received.

After reviewing the proposed rule and the associated BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule 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 Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office