

**MEMORANDUM**

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

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** April 6, 2015

**RE:** **CSI Review – Provider-Administered Pharmaceuticals (OAC 5160-4-12)**

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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**

This rule package consists of one amended<sup>1</sup> rule being proposed by the Ohio Department of Medicaid (ODM). The rule package was submitted to the CSI Office on March 9, 2015 and the public comment period was held open through March 16, 2015.

The rule package provides requirements for coverage of and payment for injections and pharmaceuticals. Provider physicians who administer vaccines, toxoids, and other therapeutic injections are required to properly evaluate patient histories and perform physical examinations, document the reason for the procedures, the names of medications, frequency of injections, results of any prior treatment, and provide corroborating evidence that the injections are medically necessary. The rule also describes the claim payment options.

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<sup>1</sup> The existing rule is being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

ODM provided opportunity to comment on the rule package through email. According to the BIA, a clinic provider and Delaware General Health District's Director of Personal Health contacted ODM stating that issues remain with payment amounts of certain injections and deficiencies in existing coverage criteria for immune globulin. ODM modified the payment structure as a result of the comments. No comments were received during the CSI public comment period.

ODM identified providers that administer vaccines, toxoids, and other therapeutic injections as the impacted business community. Although the BIA states "no actual adverse impact is expected," it provides a list of requirements for the impacted providers. The requirements, which include a proper medical examination and documentation of medical history, procedures, and results, can be considered impacts. ODM states the rule is necessary to maintain program integrity by requiring detailed documentation and providing the reasons for the procedure.

### **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.