

**MEMORANDUM**

TO: Tommi Potter, Ohio Department of Medicaid
FROM: Mark Hamlin, Director of Regulatory Policy
DATE: December 21, 2015
RE: **CSI Review – Spinal Manipulation (OAC 5160-8-11)**

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 a single amended rule¹ submitted by the Ohio Department of Medicaid, addressing the issue of spinal manipulation and related diagnostic imaging. The rule was reviewed by the Department pursuant to the statutory five-year review requirement. The rule was submitted to the CSI Office for review on November 30, 2015, and the comment period ran through December 7, 2015. No comments were received during the CSI review period.

The amended version of the rule does not contain substantive changes, but instead shifts the focus of the rule language away from the provider (currently Chiropractic Physicians) to the actual services provided. The amended rule specifically includes licensed Mechanotherapists as eligible providers of the services covered in the rule. The rule does require the providers to be licensed, though those licenses are established in other sections of law, and requires documentation to demonstrate that services provided are eligible for reimbursement under the Medicaid program. As described in the BIA, the Department works regularly with the chiropractic industry, and shared information about this rule review, and no concerns have been expressed over the rule. The CSI

¹ This 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 Therefore, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

Office believes that this rule is justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

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