

**MEMORANDUM**

**TO:** Bryan Stout, Ohio Department of Medicaid

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

**DATE:** July 1, 2016

**RE:** **CSI Review – Dental Services (OAC 5160-5-01, Appendix A, and Appendix 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 (O.R.C.) 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 rule and two appendices being proposed by the Ohio Department of Medicaid (ODM). The rule package was submitted to the CSI Office on April 20, 2016 and the public comment period was held open through April 27, 2016.

Rule 5160-5-01 establishes the provider requirements for dental services. A provider must be licensed as a dentist, be an eligible Medicaid provider, maintain medical and dental documentation, and submit prior authorizations for certain services. The rule also details the Medicaid reimbursement rates for dental services. ODM amended the rule language addressing reimbursement rates to comply with federal requirements. The amendment would lower the potential reimbursement rates for providers. Because the rule package is submitted as amended and not as a five-year rule review, ODM was only required to analyze the amendment's impacts to stakeholders. However, ODM provided a full analysis in the BIA of the regulatory language and the estimated costs for providers to comply with Rule 5160-5-01.

The BIA describes the early stakeholder outreach that included members of the impacted

industry. Stakeholders included the Ohio Dental Association, Children's Oral Health Action Team, Ohio Hospital Association, Ohio Association of Community Health Centers, and practicing dentists. ODM communicated to the stakeholders that the reason for the amendment to the provider rates is to align with federal requirements. During the CSI public comment period, one comment was received and ODM amended the rule based on the feedback received.

### **Recommendation**

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

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### **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.