

**MEMORANDUM**

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

**FROM:** Emily Kaylor, Director of Regulatory Policy

**DATE:** April 12, 2017

**RE:** **CSI Review – Surgical Services (OAC 5160-4-22)**

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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 rule submitted by the Ohio Department of Medicaid (ODM) for its statutorily-required five-year review. The rule package was submitted to the CSI Office on March 3, 2017 and the public comment period was held open through March 10. No comments were received during this time.

The rule is being amended to adopt a modifier for when two or more surgeons of different specialties submit separate claims for their services on the same operative session. This will align ODM with Medicare billing practices and allow for proper payment for services provided by the surgeons. The surgeons will now be paid as co-surgery services rather than assistant-at-surgery services. Additionally, a paragraph is removed to eliminate a prior authorization requirement that is unnecessary.

In addition to ODM's clearance process, they sent a targeted email to three major state associations to share the proposed changes and allow for comments. All three responded with no concerns and general support for the amendments. The adverse impact of time to get the

necessary prior authorization is being removed from the rule. The rule explains the claim payment for a surgical procedure, but the descriptions are necessary to ensure that providers are being properly paid for their surgical services. Additionally, no comments were received during the CSI process.

After reviewing the proposed rule and BIA, the CSI Office has determined 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 Ohio Department of Medicaid should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.