

**MEMORANDUM**

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

**FROM:** Christopher Smyke, Lt. Governor's Office

**DATE:** May 15, 2017

**RE:** **CSI Review – Coverage of Extra–Corporeal–Membrane–Oxygenator Services (OAC 5160-4-31)**

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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This rule package consists of one rescinded rule proposed by the Ohio Department of Medicaid (Medicaid). The rule package was submitted to the CSI Office on April 6, 2017 and the public comment period was held open through April 13, 2017. No comments were received during that time.

Ohio Administrative Code (OAC) 5160-4-31 governs coverage of Extra-Corporeal-Membrane-Oxygenator (ECMO) services. This rule is proposed for rescission because ECMO services are addressed in Appendix DD to OAC 5160-1-60. In addition, OAC 5160-1-19 states that medical claims must be submitted in accordance with the National Correct Coding Initiative and the Current Procedure Terminology codebook. Thus, Medicaid reasons that OAC 5160-4-31 is duplicative and unnecessary.

Before the public clearance process, Medicaid contacted the Ohio State Medical Association (OMA), the Ohio Association of Advanced Practice Nurses (OAAPN) and the Ohio Association

of Physician Assistants (OAPA). Medicaid informed the associations of the proposed rescission, the reasoning behind the rule change, and sought input. OAAPN and OAPA replied to thank Medicaid for the chance to provide input, but neither organization had any questions or comments for the proposed rules. Additionally, no comments were received during the CSI comment period.

After reviewing the rule and the BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the proposed rescission 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.

CC: Emily Kaylor, Lt. Governor's Office