

**MEMORANDUM**

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: January 29, 2018

RE: **CSI Review – Dental Services (OAC 5160-5-01 with Appendices A and B)**

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 proposed by the Ohio Department of Medicaid (ODM) for its statutorily-required five-year review. The rule package was submitted to the CSI Office on December 22, 2017 and the public comment period was held open through December 29, 2017. No comments were received during that time. ODM submitted a revised BIA and amended appendices to the CSI office on January 19, 2018.

Ohio Administrative Code (OAC) 5160-5-01 outlines ODM payment policies for covered professional dental services. Appendix A outlines coverage by category and appendix B lists codes and maximum payment amounts by procedure. Amendments to the rule and appendices include updates to procedure terminology, codification of pre-existing ODM policies, and setting maximum payment amounts for services that previously required manual pricing. In addition, ODM proposes to extend coverage to silver diamine fluoride treatment, as well as equivalent services.

ODM conducted early stakeholder outreach via a series of meetings over the course of

approximately a year. Stakeholders consulted in the shaping of the amended rule include state agencies, oral health advocacy groups, Medicaid Managed Care Plans, Medicaid dentists, and Ohio's dentistry schools. In addition, ODM held regular meetings with the Ohio Dental Association (ODA) Council on Access to Care and Public Services and the ODA Medicaid workgroup. These stakeholders provided substantial feedback, much of which was incorporated into the rule revisions. No comments were received during the CSI public comment period.

After filing the rule package with the CSI office, ODM submitted a revised BIA on January 19, 2018 with updated draft appendices. ODM made additional revisions to certain payments and covered services with the intent to better align with industry standards. Since the changes addressed coverage in the appendices and not the rule itself, ODM stated that the additional changes to the rule would not impose any additional impact on affected businesses.

This rule impacts dentists and any other Medicaid-eligible dental service provider. The BIA cites the administrative costs to maintain and submit documentation that the services were provided and are medically necessary. The BIA estimates that generating the applicable documents may take between five and thirty minutes, and based on labor market information published by the Ohio Department of Job and Family Services, the BIA quantifies the impact at a minimum as \$1.75 and a maximum of \$56.69 per document submission.

The BIA justifies the impact of the rule, citing the need to fulfill core business functions, such as establishing coverage and payment policies, setting limits on Medicaid payments to service providers, and to publish payment formulas for public reference. In addition, ODM indicates that the documentation requirement is necessary in order to prevent fraud and abuse, while ensuring the Ohio Medicaid program pays for covered services that meet an individual's needs. After reviewing the proposed rule package and the BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the rule package 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