



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

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

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** November 24, 2020

**RE:** **CSI Review – Dental Services (OAC 5160-5-01)**

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On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

#### Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on November 4, 2020, and the public comment period was held open through November 11, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on November 4, 2020.

Ohio Administrative Code 5160-5-01 establishes requirements for payment for professional, non-institutional dental services. The rule includes references to similar covered services, definitions, and claim payment requirements. The rule also includes an appendix that lists the covered dental services and frequency limits. The rule is being amended to include telehealth services in the list of referenced services and additions to the appendix list of imaging, oral surgery, and restorative services.

During early stakeholder outreach, ODM sent the rule to industry stakeholders for feedback, including professional associations, colleges, Medicaid managed care plans, and practicing

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dentists. During this time, stakeholders submitted comments that support the amendments allowing for additional covered dental exams and procedures. No comments were received during the CSI public comment period.

The business community impacted by this rule includes dentists and other providers of dental services through Medicaid. The adverse impact created by the rule includes the time necessary to complete documentation of dental services that have been provided according to the rule requirements. ODM states in the BIA that the rule is necessary to ensure that dental services are paid for efficiently and to reduce the occurrence of fraudulent reporting.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio Department of Medicaid should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.