



## Common Sense Initiative

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

**Sean McCullough**, Director

### MEMORANDUM

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

**FROM:** Sean McCullough, Director

**DATE:** December 6, 2021

**RE:** CSI Review – Dental Services (OAC 5105-05-01)

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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 September 24, 2021, and the public comment period was held open through October 1, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on September 24, 2021.

Rule 5105-05-01 provides for Medicaid coverage and payment policies for dental care. The rule is being amended to update terminology to align with the Code on Dental Procedures and Nomenclature's 2022 updates, extend age limits for dental sealants, and to clarify coverage of tobacco and high-risk substance use control and prevention counseling services.

Over the course of a year, ODM with the Ohio Dental Association, Ohio Dental Hygienists Association, the Ohio State College of Dentistry, the Ohio State Dental Board, Ohio Medicaid managed care plans and their dental directors, Oral Health Ohio, the Ohio Association of Community Health Centers, and other advocates and providers to develop this rule. ODM

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incorporated changes resulting from these working groups. There were no comments during the public comment period.

The business community impacted by the rule consists of all Ohio dental care providers requiring Medicaid payment for services rendered. The adverse impact created by the rules includes staff time to complete documentation required for Medicaid payment. Specifically, ODM states that the documentation of the medical necessity and services provided to the patient each take around five to thirty minutes. ODM states that the impact of these rules is justified because the required documentation prevents fraud, waste and abuse, and promotes Medicaid funding are used for dental care in the most appropriate manner for the patient receiving them.

### **Recommendations**

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

### **Conclusion**

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