

Rule Summary and Fiscal Analysis (Part A)**Department of Job and Family Services**

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

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5101:3-12-06

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Reimbursement: private duty nursing services.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB66**General Assembly: **126**Sponsor: **Calvert**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5111.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.02, 5111.85**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for adoption to update the HIPAA compliant billing codes and to change reimbursement rates. It replaces part of former rule 5101:3-1-07, 5101:3-12-10.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the new HIPAA compliant billing code and sets forth the rates for private duty nursing services.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

This rule is being refiled to add RC 5111.85 to question 5 of the Rule Summary and Fiscal Analysis.

This rule is being refiled to make changes to the rule body and appendices.

Added last sentence to paragraph (A)"A PDN visit must be more than four hours (sixteen units) per visit but less than or equal to twelve hours (forty-eight units) per visit, unless an unusual circumstance requires a visit up to and including sixteen hours (sixty four units)."

Changed PDN rates in appendix A to now say: "55.00" for first hour, "5.70" for every unit there after.

Added wording to appendix B to now say: ..." For the same type of service".. to both the U2 and U3 modifier descriptions.

This rule is being refiled a second time to make changes in the rule body and correction in question 11 of the Rule Summary and Fiscal Analysis.

Question 11: changed "of same.." to "For the" same...

Added "" in (A) line 2 to "otherwise accredited agencies" or "non-agency nurses"

Omitted 2 words "employed registered" in (A) line 2 it now says: "non-agency nurses"

Add () to (A) line 3 it now says: "(See.....rates.)"

Omitted "residential facility" from (F) line 6 it was duplicate wording.

This rule is being refiled for a third time. After further consideration, this rule is being refiled with no changes.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

The proposed rule will not change the agency's projected budget for the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure

necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No new costs

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**