

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

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

Contact

**30 E Broad St 31st Floor ODJFS Office of Legal
Services Columbus OH 43215-3414**

Agency Mailing Address (Plus Zip)

466-4605

Phone

752-8298

Fax

5101:3-46-06

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Ohio home care waiver: reimbursement rates and billing procedures.**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? **No**

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: **5111.85**

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 to implement part of the Ohio Home Care Program redesign. This rule replaces rule 5101:3-1-06.3, in part.

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 new HIPAA codes, and the reimbursement rates for Ohio Home

Care Waiver services. This rule restates the current waiver nursing service rates. No rate reduction is reflected in this rule.

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 replace the base rate amount, "\$50.60" found in Table A, Column 3 for Billing Code T1002 (Waiver nursing services provided by an RN) with the current base rate amount, "\$55.00."

This rule is being refiled to replace the unit rate amount, "\$5.42" found in Table A, Column 4 for Billing Code T1002 (Waiver nursing services provided by an RN) with the current unit rate amount, "\$5.70."

This rule is being refiled to replace the base rate amount, "\$50.60" found in Table A, Column 3 for Billing Code T1003 (Waiver nursing services provided by an LPN) with the current base rate amount, "\$55.00."

This rule is being refiled to replace the unit rate amount, "\$5.42" found in Table A,

Column 4 for Billing Code T1003 (Waiver nursing services provided by an LPN) with the current unit rate amount, "\$5.70."

This rule is being refiled to add paragraph (E)(2) that states, "The "U1" modifier must be used when a provider submits a claim for billing code T1002 and the consumer is receiving infusion therapy." The subparagraphs in paragraph (E) that follow this new language have been renumbered accordingly.

Question 7 of the RSFA has been modified to reflect the changes in the rule to maintain the current reimbursement rates for Ohio Home Care Waiver nursing services.

Question 13 of the RSFA has been modified to reflect that ODJFS will no longer be reducing waiver nursing service reimbursement rates. Instead it will be maintaining current rates. Therefore, ODJFS will not be decreasing expenditures.

Question 15 of the RSFA has been modified to reflect that directly affected persons will not experience a new cost of compliance.

This rule is being refiled a second 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

This proposed rule will not change the agency's projected budget during the current biennium because we are maintaining current waiver service reimbursement rates.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

600-525.

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**