

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-1-13.1

Rule Type: Rescission

Rule Title/Tagline: Medicaid consumer liability.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes

A. What is the rule's five year review date? 8/16/2019

2. Is this rule the result of recent legislation? No

3. What statute is this rule being promulgated under? 119.03

4. What statute(s) grant rule writing authority? 5164.02

5. What statute(s) does the rule implement or amplify? 5164.02

6. What are the reasons for proposing the rule?

Ohio Administrative Code rule 5160-1-13.1, entitled "Medicaid consumer liability", has been reviewed as part of the five-year review process and is being proposed for rescission as more than fifty percent of the rule is being amended to update policy. It will be replaced with a new rule with the same rule number entitled, "Medicaid recipient liability."

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Ohio Administrative Code rule 5160-1-13.1, entitled "Medicaid consumer liability", has been reviewed as part of the five-year review process and is being proposed for rescission. This rule establishes what constitutes payment in full to a provider for Medicaid services rendered to a Medicaid recipient. This rule also explains under which conditions a provider may or cannot bill the Medicaid recipient for medical services.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

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 Ohio Administrative Code rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not applicable

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Providers may not bill Medicaid recipients in lieu of ODM unless they notify the recipient in writing prior to the service being rendered that the provider will not bill ODM for the covered service and the recipient signs a written agreement agreeing to pay for the service. The provider must explain to the recipient that the service is a

covered service and other Medicaid providers may render the service at no cost to the recipient. These requirements should take no longer than five minutes of staff time. The cost to providers would be provider staff time necessary to revise or create the written form, explain the liability, and obtain the recipient's signature multiplied by the staff's hourly rate.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? Yes**
- 16. Does this rule have an adverse impact on business? Yes**
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Providers are required to report information to Medicaid recipients before the providers are eligible to bill the individual for services. Providers must explain that the Medicaid recipient can get covered services from another provider, and provide written explanation and obtained signed written consent prior to submitting a bill.

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Part B - Local Governments Questions

1. Does the rule increase costs for:

A. Public School Districts	Yes
B. County Government	Yes
C. Township Government	Yes
D. City and Village Governments	Yes

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

Providers may not bill Medicaid recipients in lieu of ODM unless they notify the recipient in writing prior to the service being rendered that the provider will not bill ODM for the covered service and the recipient signs a written agreement agreeing to pay for the service. The provider must explain to the recipient that the service is a covered service and other Medicaid providers may render the service at no cost to the recipient. These requirements should take no longer than five minutes of staff time. The cost to providers would be provider staff time necessary to revise or create the written form, explain the liability, and obtain the recipient's signature multiplied by the staff's hourly rate.

3. Is this rule the result of a federal government requirement? Yes

- A. If yes, does this rule do more than the federal government requires? No**
- B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

Not Applicable

4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:

- A. Personnel Costs**

The staff time necessary to revise or create the written form, explain the liability, and obtain the recipient's signature multiplied by the staff's hourly rate.

B. New Equipment or Other Capital Costs

This rule should have no impact related to new equipment or other capital costs.

C. Operating Costs

This rule should have no impact on operating costs.

D. Any Indirect Central Service Costs

This rule should have no impact on indirect central service costs.

E. Other Costs

This rule should create no further other costs.

5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.

ODM does not anticipate any new costs to local government.

6. What will be the impact on economic development, if any, as the result of this rule?

This rule has no discernible impact on economic development.