

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-1-18

**Rule Type:** Rescission

**Rule Title/Tagline:** Telehealth.

**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?** 8/31/2020
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, 5164.95
5. **What statute(s) does the rule implement or amplify?** 5164.02, 5164.95
6. **What are the reasons for proposing the rule?**

As a result of five year rule review, ODM is expanding telehealth which resulted in changes to more than 50% of the existing rule language.

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

Rule 5160-1-18, entitled, "Telehealth" is being proposed for rescission as more than fifty percent of the rule requires amending. Many provisions from this rule will be contained in a new proposed rule of the same number and title. This rule provides definitional information, identifies eligible rendering providers and service locations,

identifies requirements and responsibilities for services rendered using telehealth and payment for telehealth 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. 121.75, 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 121.75(A)(1)(d).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

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. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0

The agency's revenues or expenditures will not be impacted by the rescission of this rule.

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

There is no estimated cost of compliance.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

No fee is imposed in this rule.

### III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? No
- 17. Does this rule have an adverse impact on business? No
  - 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? No
  - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
  - A. How many new regulatory restrictions do you propose adding? 0
  - B. How many existing regulatory restrictions do you propose removing? 17
    - (A)(2)(a) patient site shall be the office or service location of the provider
    - (A)(2)(b) patient site shall be the patient's home

(A)(2)(c) patient site shall be a school

(A)(2)(d) patient site shall be an inpatient hospital

(A)(2)(e) patient site shall be an outpatient hospital

(A)(2)(f) patient site shall be a nursing facility

(A)(2)(g) patient site shall be an intermediate care facility for individuals with an intellectual disability (ICF/IID)

(A)(3) The practitioner site shall not be the same location as the patient site

(B)(3) The practitioner site must be the practitioner's service location as reported to ODM

(C)(1) All services provided via telehealth shall be provided in accordance with state and federal laws

(C)(2) The practitioner site must have access to the medical records

(C)(3) The individual must remain an active patient if receiving telehealth for prolonged period of time

(C)(4) Practitioner site location must be consistent with CPT and HCPCS guidelines

(E)(2) Services provided in a hospital setting must be billed in accordance with 5160-2-02 of the Administrative Code

(E)(7)(a) A GT modifier must be included on telehealth claims

(E)(7)(b) If the patient site is a certain location, a modifier must be included on a telehealth claim

(E)(7)(c) The place of service code must reflect the physical location of the practitioner on a telehealth claim