

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-1-29

Rule Type: Amendment

Rule Title/Tagline: Medicaid fraud, waste, and abuse.

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? 3/15/2024
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 5160-1-29, titled Medicaid fraud, waste, and abuse is being reviewed as part of the five year rule review and amended to update Medicaid fraud, waste, and abuse policy.

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

This rule provides definitions and examples of fraud, waste, and abuse, and describes ODM's program to detect, prevent, and address fraud, waste, and abuse. The rule was reviewed as part of the five year rule review and was proposed for

amendment to update definitions, language, and citations, add clarifying language, and remove regulatory restrictions in accordance with Ohio Revised Code section 121.95. The amended rule utilizes the federal regulation definitions for fraud and abuse and incorporates language to define waste. New examples are included to clarify that failure to comply with service requirements as defined in agency 5160 of the Administrative code, actions to falsely obtain Medicaid eligibility, and seeking additional payments from other providers would constitute fraud, waste, or abuse.

- 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 by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC121.75(A)(1)(a).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(d).

This rule incorporates one or more dated references to the United States Code. This question is not applicable to any dated incorporation by reference to the United States Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(a).

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

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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.

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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?**

Not Applicable

- 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.**

Not Applicable

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 to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 4

5160-1-29(B) - removed "shall"

5160-1-29(F) - removed "must"

5160-1-29(F) - removed "requires"

5160-1-29(F) - removed "shall"

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.