

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-11-02

Rule Type: Rescission

Rule Title/Tagline: Laboratory-related services: general provisions.

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? 10/16/2020
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
5. What statute(s) does the rule implement or amplify? 5164.02
6. What are the reasons for proposing the rule?

As a result of the five-year review process, this rule is being rescinded to update, change, or clarify policy related to the administration of the Medicaid program. Its provisions are being incorporated into new rules 5160-11-11, 5160-11-21, and 5160-11-31.

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

This rule sets forth general coverage and payment policy for laboratory-related 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 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(D).

This rule incorporates one or more references to another rule or rules of the Administrative Code. This question is not applicable to any incorporation by reference to another 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?

The requirement that portable X-ray suppliers and IDTFs be simultaneously enrolled in Medicare simplifies certification and allocates responsibility for payment. By the nature of the industry or by law, however, these providers already participate in Medicare, so any cost of compliance associated with Medicare enrollment cannot be attributed to this rule.

Periodic attestation by supervising practitioners simply confirms the existence of a business relationship between an IDTF and a supervising practitioner. Including attestation statements in an enrollment or re-enrollment package involves a negligible amount of additional time, effort, and cost.

- 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**

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? Yes**

As a condition of Medicaid participation, this rule requires portable X-ray suppliers and IDTFs to be enrolled simultaneously in Medicare.

- 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**

This rule requires periodic attestation by supervising practitioners of their role in an IDTF.