

Hearing Date: 11/30/2020

Today's Date: 12/4/2020

Agency: Ohio Department of Medicaid

Rule Number(s): 5160-8-52, 5160-27-01, 5160-27-02, 5160-27-03

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If no comments at the hearing, please check the box. ☐

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Neha Vyas, Cleveland Clinic-5160-8-52
2. Henry Mann, The Ohio State University -5160-8-52
3. Twinsburg Family Health and Surgery Center (Cleveland Clinic)-5160-8-52
4. Franklin Pharmacy and Healthcare-5160-8-52
5. Charles Cather, Brewster Family Pharmacy-5160-8-52
6. Riverside Methodist Hospital-5160-8-52
7. Northside Pharmacits-5160-8-52
8. State Government Affairs-5160-8-52
9. Chrisopther Orrigan, Dayton Veterns Administration-5160-8-52 and 5160-27-02
10. Ernet Boyd and Stuert Beatty, Ohio Pharmacy Assoication-5160-8-52 and 5160-27-03
11. Emmanuel Ayanjoke, Ziks Family Pharmacy-5160-8-52
12. Independent Pharmacy Cooperative-5160-8-52
13. Kathy Karas, R.Ph-5160-8-52
14. Dale Block and Nicholas Trego, Caresource-5160-8-52
15. Ross Thrans, Ohio Northern University 5160-8-52
16. Brittany Bates, Ohio Society of Health-System Pharmacies -5160-8-52

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1. Jason Briscoe, Discount Drug Mart-5160-8-52
2. Catherine Perry, Cedar Care Villiage Pharmacy-5160-8-52
3. Eyad Farah, Health Mart Altas-5160-8-52
4. Max Peoples, Uptown Westerville Pharmacy-5160-8-52
5. Chris Corrigan, Pharm D-5160-8-52 and 5160-27-02
6. Sara Bonanno, Cleveland Clinic 5160-8-52
7. Marianne Hocking, Cleveland Clinic 5160-8-52
8. Chad McCain, Cleveland Clinic 5160-8-52
9. David Brill, Cleveland Clinic 5160-8-52
10. Kevin Christopher, Cleveland 5160-8-52
11. Steve Martin, Council of Ohio Colleges of Pharmacy, 5160-8-52 and 5160-27-02
12. Nathaniel Enders, Cleveland Clinic, 5160-8-52
13. Monica Benedikt, Cleveland Clinic, 5160-8-52
14. Lynette Nied, Cleveland Clinic, 5160-8-52
15. Katheryn Freeland, Cleveland Clinic, 5160-8-52
16. Chritina Goetsch, Cleveland Clinic, 5160-8-52

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1. Mary Grace Purisima, Cleveland Clinic 5160-8-52
2. Katrina Sabur, Cleveland Clinic 5160-8-52
3. Thomas Krupitzer, Cleveland Clinic 5160-8-52
4. Sny Snyder, Cleveland Clinic 5160-8-52
5. Makayla Wells, Ohio Northern Univerisy Healthwise, 5160-8-52
6. Eric Dierkes, Ohio Northern University Healthwise, 5160-8-52
7. Daniel Arendt, University of Cincinnati College of Pharmacy, 5160-8-52
8. The Clinical Pharmacy Team, Primary Health Solutions, 5160-8-52
9. Kerrie Dawlins, Ohio Northern University Pharm D Student, 5160-8-52
10. Mary Ryan, Ohio Northern University Pharm D Student, 5160-8-52
11. Kathryn Freeland, Cleveland Clinic, 5160-8-52
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## Hearing Report and Summary

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Summary of comments received for OAC 5160-8-52, include language to amend under (4) (D) as follows: No separate payment will be made for pharmacist services provided in an inpatient ~~or outpatient~~ hospital, emergency department, or inpatient psychiatric facility place of service. Most comments are from individual practitioners within the Cleveland Clinic.

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It was also recommend to add a second paragraph (e) to OAC 5160-8-52(C)(1) which includes the following underlined language: "An order issued by a practitioner having appropriate prescriptive authority is not a requirement for a pharmacist to render services. Following the rendering of services, the pharmacist will send a report to each practitioner having appropriate prescriptive authority to maintain supporting documentation of medical necessity in accordance with rule 5160-1-01 of the Administrative Code."

Although we are supportive of the inclusion of pharmacists under OAC 5160-27-02(F), the current language in the rules appears unnecessarily complex and treats pharmacists different than other providers of

behavioral health services. Delete the following stricken language from OAC 5160-27-02(F): "A pharmacist, in accordance with rule 5160-8-52 of the Administrative Code

## Hearing Report and Summary

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

Currently, if a pharmacist provides a billable service in a hospital setting the hospital, not the pharmacist, may bill for those services on a UB-04 / 837I. The pharmacist may not submit a bill on the CMS 1500 / 837P as they are not allowed to bill independently in a hospital setting as described in the rule. 5160-8-52(D)(4) reinforces the standards that are in effect today. Therefore, this rule is not reducing revenue to the hospital as they are currently allowed to bill and receive payment for the services of a pharmacist employed/contracted by the hospital. On the other hand, there is no effect on the revenues of the pharmacist as they cannot and still will not be able to bill professionally in a hospital setting.

The new language in 5160-27-02 (F) was written to make clear that pharmacists are eligible providers of evaluation and management services when employed by behavioral health providers. The reference to 5160-8-52 is necessary as this rule defines a pharmacist and states other payment related policies specific to pharmacists