

**MEMORANDUM**

**TO:** Tommi Potter, Ohio Department of Medicaid

**FROM:** Christopher Smyke, Regulatory Policy Advocate

**DATE:** October 15, 2018

**RE:** **CSI Review – DMEPOS: Ambulation Aids (OAC 5160-10-01)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) § 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

**Analysis**

This rule package consists of one amended rule submitted by the Ohio Department of Medicaid (ODM) pertaining to durable medical equipment, prostheses, orthotics, and supplies (DMEPOS). The rule was submitted on September 20, 2018 and the CSI public comment period closed on September 27, 2018 with no comments received.

Ohio Administrative Code (OAC) 5160-10-01 establishes Medicaid coverage and payment policies for DMEPOS. The rule is proposed with changes to the appendix, adding information pertinent to white canes and clearing up errors in the payment schedule. However, no changes are proposed to the rule itself.

The white cane provisions are the result of a provider request. Prior to filing the rule with CSI, ODM contacted the Ohio Association of Medical Equipment Services (OAMES) regarding the proposed addition of white canes to the rule, who in turn shared the proposal with its governing board and membership. In addition, OAMES and providers reviewed and agreed to the corrections in the rule. No comments were received during the CSI public comment period.

The BIA identifies the affected business community as Medicaid providers of DMEPOS. The adverse impact is largely administrative in nature, as providers are expected to complete and

submit documentation regarding services provided and medical necessity, as well as notify a recipient that a condition has been met, or an event has occurred. The BIA justifies the cost as a necessary and sensible measure to ensure that individuals have complete information about the equipment they use and to maintain program integrity. In addition, 42 CFR 440.70 mandates medical services and equipment to be covered by a state Medicaid program and ORC 5164.02 directs ODM to adopt rules to establish coverage of Medicaid services for DMEPOS.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Medicaid should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

Cc: Emily Kaylor, Lt. Governor's Office