

Rule Summary and Fiscal Analysis (Part A)**Department Of Job And Family Services**

Agency Name

Division Of Medical Assistance

Division

Beth Vogel

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5101:3-10-16

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Wheelchairs.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5111.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.02**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed as a new rule. The rule is being proposed to implement necessary revisions to comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Substantive changes from the existing rule include, but are not limited to, industry

standard definitions describing wheelchair coding, coverage and limitations of wheelchairs with customized seating systems, incorporation of HIPAA standards and clarifications about the requirements for prior authorization of wheelchairs. Also, the rule has added language which specifies that an assessment and written report must be performed by an individual who is administratively and fiscally independent from the dispensing provider and describes all general requirements pertaining to coverage of wheelchairs under the Ohio Medicaid program.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

The revisions reflect the following changes: language was added to explain the prior authorization and the claim submission policies associated with wheelchair repair services [(J)(9)-(J)(10)]; changes were made throughout the rule to make the titles of the 03411 and 03414 forms consistent throughout the rule [such as (C)(2) and (F)(3)]; removed any remaining references to custom-molded, contoured and adaptive seating systems and replaced with the term "custom seating system" [such as (F)(5)]; added language to clarify the definition of adaptive positioning devices and deleted language bundling payment with the custom seating system (A)(9); the

word "moderately" was added to paragraph (F)(4)(b); paragraph (K)(b) was edited to change the modifier from RP to UC; and throughout the rule the term "individually customized seating system" was replaced with "custom seating system" [such as (A)(8)]. All changes were made as a result of stakeholder input.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

There is no estimated cost impact on the current biennium for this rule. Some stakeholders believe the policy set forth in paragraph (E)(1) of this rule is not budget neutral. While it is true that ODJFS may begin to receive claims for the performance of the required professional evaluation (when their previous arrangement was to be paid by the wheelchair provider) and may begin to receive claims for transportation services associated with the evaluation service, ODJFS believes that it is a cost containment strategy which, in the long run, will more than offset the incurred possible expenditures as described here. The basis of this strategy is similar to the principles of other proven fraud prevention policies.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your

information/estimated costs, e.g. industry, CFR, internal/agency:

N/A

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**