

Note: Upload completed document to the Electronic Rule Filing System.

Hearing Date: 5/17/2021

Today's Date: 6/4/2021

Agency: Ohio Department of Medicaid (ODM)

Rule Number(s): 5160-10-01, 5160-10-07, 5160-10-16

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

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

1. Health Aid of Ohio, via Katey Hand; rules 5160-10-01, 5160-10-07, 5160-10-16
2. Alexis Ward, National Seating and Mobility; rule 5160-10-01
3. Kamela Yurich, Ohio Association of Medical Equipment Services (OAMES); rule 5160-10-01
4. Greg Seighman, NPL Home Medical; rule 5160-10-01
5. Donald E. Clayback, National Coalition for Assistive and Rehab Technology (NCART); rule 5160-10-01
6. Kimberly Cook, Numotion; rule 5160-10-01
7. Click here to enter text.
8. Click here to enter text.
9. Click here to enter text.
10. Click here to enter text.
11. Click here to enter text.
12. Click here to enter text.
13. Click here to enter text.
14. Click here to enter text.
15. Click here to enter text.
16. Click here to enter text.

Hearing Summary Report

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).

The recurring comment made on new rule 5160-10-01 was a request to reinstate the term 'list price', which is equivalent to 'manufacturer's suggested retail price (MSRP)'. A related request was to set Medicaid payment for three "miscellaneous" items at 72% of MSRP, at least on a temporary basis until revisions can be made to rule 5160-10-16. ("Miscellaneous" or "not otherwise specified" items do not have a set payment amount. For the three item categories in question, payment amounts are established through the prior authorization process.)

Clarification was requested on five points in rule 5160-10-07:

1. What the intent is of the statement "An item that functions equally well as a bathing seat and as a commode is deemed to be a commode for Medicaid payment purposes."
2. Whether or not an individual who needs assistance is going to receive approval for a bathing seat that is designed to be used without assistance.
3. How to determine the classification/category of a particular model.
4. Why some categories exclude seats made of PVC.
5. Whether a draft certificate of medical necessity (CMN) is available for providers to review.

Hearing Summary Report

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.

ODM believes that the wording of proposed rule 5160-10-01 allows sufficient flexibility in the selection of a method of establishing a payment amount. On 05/26/2021, representatives of ODM, OAMES, NCART, and individual providers met to discuss the possibility of using MSRP to establish payment for complex rehabilitation technology (CRT). Additional meetings will be held to consider how such an approach could be incorporated into a future version of wheelchair rule 5160-10-16.

On rule 5160-10-07, clarification was provided. No further change was made to the text of the rule.