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Hearing Date: 8/16/2024

Today's Date: 9/4/2024

Agency: Ohio Department of Medicaid

Rule Number(s): 5160-8-42

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. Ohio Academy of Nutrition and Dietetics (OAND), Kay Mavko
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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 Ohio Academy of Nutrition and Dietetics (OAND) stated that it is noted that dietitians are not included in the new lactation consultation rule 5160-8-42 as either rendering or pay-to-providers for lactation consultation services. The rule does include International Board-Certified Lactation Consultant (IBCLC), certified providers as rendering and pay-to-providers, so a dietitian who is also IBCLC certified would have to submit claims for payment under the IBCLC designation.

OAND commented the definition of lactation consultation in the rule is overly broad as it states “is the development and implementation of management strategies for complex problems related to breastfeeding and human lactation”. It does not include specific activities that are components of a lactation consultation.

OAND wanted to clarify if the terms “lactation consultation” and “lactation service” are interchangeable in this rule as verbiage is in the rule. OAND recommends that the occurrence of “lactation service” and “lactation services” in the rule be replaced with “lactation consultation service” or “lactation consultation services” to provide clarity and consistency with the other interrelated rules (OAC 5160-1-60 and OAC 5160-8-41).

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.

In response to dietitians not included as either rendering or pay-to-providers for lactation consultation services, the Ohio Department of Medicaid (ODM) responded OAC rule 5160-8-42, mentioned “eligible provider” in the rule has the same meaning as in rule 5160-1-17 of the Administrative Code and dietitians meet the definitions in paragraph (A)(1) as an “eligible provider”.

In response to OAND’s comment regarding the definition of “lactation consultation”, it was ODM’s initial intent to keep the list of types of activities broad since those activities are not defined in the Ohio Revised Code (ORC). ODM will be developing supplemental policies such as a Medicaid Advisory Letter and guidance to the Managed Care Organizations that should provide further guidance regarding these activities.

In response to clarity and consistency of the verbiage “lactation consultation service” and “lactation consultation services”, ODM agrees. ODM completed a revised file for OAC 5160-8-42 to change lactation service(s) to lactation consultation services(s) throughout the rule.