



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Bob Bennett

Sub. H.B. 89

131st General Assembly
(As Passed by the General Assembly)

Reps. DeVitis, Ginter, Grossman, Rezabek, Boose, McColley, Brenner, Romanchuk, Sprague, Hagan, Duffey, Gonzales, Butler, Cera, Patterson, Sykes, Bishoff, Anielski, Antonio, Barnes, Boccieri, Boggs, Boyce, Burkley, Craig, Fedor, Howse, G. Johnson, Kuhns, Lepore-Hagan, M. O'Brien, S. O'Brien, Perales, Reece, Rogers, Ruhl, Slesnick, K. Smith, Strahorn, Terhar

Sens. Balderson, Burke, Eklund, Hackett, Jones, LaRose, Manning, Oelslager, Sawyer, Schiavoni, Seitz, Skindell, Yuko

Effective date: March 21, 2017

ACT SUMMARY

- Authorizes certain physical therapists, occupational therapists, speech-language pathologists, and audiologists to refer Medicaid recipients to the services they provide so that the recipients can receive the services under the Medicaid School Program.

CONTENT AND OPERATION

Medicaid School Program coverage of certain therapy services

The act addresses an issue resulting from a federal regulation that restricts Medicaid's coverage of physical therapy, occupational therapy, speech-language pathology, and audiology services that are provided as part of a student's individualized education program (IEP). The federal regulation requires that the services be prescribed or referred by a physician or other licensed practitioner of the healing arts to be covered by Medicaid.¹ In October 2015, the Centers for Medicare and

* This version updates the effective date.

¹ 42 Code of Federal Regulations 440.110.

Medicaid Services (CMS) sent a letter to the Medicaid Director indicating that Ohio is out of compliance with federal regulations. CMS stated that Ohio must be in compliance by August 1, 2016.²

The act makes physical therapists, occupational therapists, speech-language pathologists, and audiologists licensed practitioners of the healing arts for the purpose of the federal regulation. If the practitioner has a Medicaid provider agreement, the act permits the practitioner to refer a Medicaid recipient to the type of service the practitioner provides so that the recipient can receive the service under the Medicaid School Program in accordance with the recipient's IEP. The practitioner is not precluded from being an ordering or referring only provider, which is a Medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for Medicaid payment but does not bill for Medicaid services.³

The Medicaid School Program permits participating qualified school providers to submit claims to the Ohio Department of Medicaid for federal matching funds for providing covered services to eligible Medicaid recipients. Schools may participate in the program by obtaining a Medicaid provider agreement and meeting other conditions for participation.

HISTORY

ACTION	DATE
Introduced	02-25-15
Reported, H. Health & Aging	01-26-16
Passed House (89-7)	05-11-16
Reported, S. Education	11-30-16
Passed Senate (31-1)	12-07-16
House concurred in Senate amendments (87-6)	12-08-16

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² Letter to John B. McCarthy from Zabeen Chong (Director, Provider Enrollment and Oversight Group, Center for Program Integrity) and Ruth A. Hughes (Associate Regional Administrator, Division of Medicaid and Children's Health Operations), Department of Health and Human Services, Centers for Medicare and Medicaid Services, October 23, 2015.

³ R.C. 5162.366 (primary), 5162.01, 5162.36, 5162.361, and 5162.363.

