



# Ohio Legislative Service Commission

## Bill Analysis

Bob Bennett

### Sub. H.B. 89

131st General Assembly  
(As Reported by S. Education)

**Reps.** DeVitis, Ginter, Grossman, Rezabek, Boose, McColley, Brenner, Romanchuk, Sprague, Hagan, Duffey, Gonzales, Butler, Cera, Patterson, Sykes, 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

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## BILL SUMMARY

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

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## CONTENT AND OPERATION

### Medicaid School Program coverage of certain therapy services

The bill addresses an issue resulting from a federal regulation that restricts Medicaid's coverage of physical therapy, occupational therapy, speech-language pathology, and audiology. The federal regulation requires that such services be prescribed or referred by a physician or other licensed practitioner of the healing arts to be covered by Medicaid.<sup>1</sup> In October 2015, the Centers for Medicare and 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.<sup>2</sup>

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<sup>1</sup> 42 Code of Federal Regulations 440.110.

<sup>2</sup> 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.

The bill makes physical therapists, occupational therapists, speech-language pathologists, and audiologists licensed practitioners of the healing arts for the purpose of the federal regulation. If such a practitioner has a Medicaid provider agreement, the bill 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 individualized education program. Such a 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.<sup>3</sup>

The Medicaid School Program permits participating qualified school providers to submit claims to the Ohio Department of Medicaid for federal matching funds for providing services covered by the program to Medicaid recipients eligible for the services. A board of education of a city, local, or exempted village school district, the governing authority of a community school, the State School for the Deaf, and the State School for the Blind may participate in the program as a qualified school provider by obtaining a Medicaid provider agreement and meeting other conditions for participation.

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## 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

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<sup>3</sup> R.C. 5162.366 (primary), 5162.01, 5162.36, 5162.361, and 5162.363.

