

OSHGAC Overview: Medicaid Speech Generating Device Proposed Rule

The Ohio Department of Job and Family Services will be holding a public hearing pertaining to rule 5101:3-10-24 for speech generating devices (SGD), on at 10 a.m. on January 17, 2012. Anyone can attend the public hearing and present testimony. In addition, anyone can submit written comments on the proposed rule at rules@jfs.ohio.gov.

You can review the proposed Ohio Medicaid rule, at <http://www.registerofohio.state.oh.us>. Once you are at the website, select “Rule Number” and search for 5101:3-10-24. When the page comes up, you can view the proposed language by clicking on the “Rule” link.

BACKGROUND:

OSHGAC began initial discussions regarding revisions to the SGD in September 2008. Then, in March 2009, OSHGAC undertook our first “line by line” review of the content of the draft rule. From that time until the release of the current proposed draft in late December 2011, OSHGAC has recommended 20 substantive changes to the language of the SGD rule. In response, Ohio Medicaid agreed to make 16 of the suggested changes. While we would have liked to see all of our recommendations implemented, we feel that, in accommodating 75% of our concerns, Ohio Medicaid has substantially improved the SGD rule. We believe that those changes will truly benefit communicatively impaired Ohio Medicaid consumers, while at the same time streamlining some of the administrative processes for the providers involved.

POSITION:

OSHGAC members voted to support promulgation of proposed rule 5101:3-10-24. We believe that it makes necessary updates to this important rule to account for new technology and standards of practice. We feel that this new rule will ensure that Medicaid consumers with communication disorders will receive the appropriate care and access to necessary communication devices. In addition, the draft rule balances the consumers’ communication needs with the funding realities of Ohio’s Medicaid program. We believe that it is in everyone’s best interests to ensure that the right consumers are fit with the right speech generating device for their needs. In so doing, we can attempt to protect this program benefit for continuation into the future.

We remain concerned about the content of the “Certificate of Medical Necessity” (CMN) forms that are incorporated by reference into the draft rule. As we have expressed to Ohio Medicaid on many occasions, the information required by the forms does not mirror that which is required by the language of the rule. We believe that this “disconnect” will confuse consumers and practitioners. In addition, we feel that some of the required information is clinically inappropriate as it relates to unnecessary evaluations from other provider types and will result in significant delays in service.

FOR MORE INFORMATION:

For a more detailed analysis of the negotiations on the SGD rule, please see the OSHGAC document entitled “TIMELINE: Negotiations & Revisions to Medicaid Speech Generating Device Rule”