

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 136**

**Representative Lipps**

**Cosponsors: Representatives Russo, Cutrona, Lepore-Hagan, Carfagna, Carruthers, Crossman, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Hillyer, Koehler, Leland, Miller, J., O'Brien, Oelslager, Pavliga, Riedel, Roemer, Sheehy, Troy, Weinstein, West, White, Young, T., Speaker Cupp**

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**A BILL**

To amend section 5162.06 and to enact sections 1  
5164.061 and 5167.15 of the Revised Code 2  
regarding Medicaid coverage of chiropractic 3  
services. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 5162.06 be amended and sections 5  
5164.061 and 5167.15 of the Revised Code be enacted to read as 6  
follows: 7

**Sec. 5162.06.** (A) Notwithstanding any other state statute 8  
except for section 5164.061 of the Revised Code, no component, 9  
or aspect of a component, of the medicaid program shall be 10  
implemented without all of the following: 11

(1) Subject to division (B) of this section, if the 12  
component, or aspect of the component, requires federal 13  
approval, receipt of the federal approval; 14

(2) Sufficient federal financial participation for the 15

component or aspect of the component; 16

(3) Sufficient nonfederal funds for the component or 17  
aspect of the component that qualify as funds needed to obtain 18  
the federal financial participation. 19

(B) A component, or aspect of a component, of the medicaid 20  
program that requires federal approval may begin to be 21  
implemented before receipt of the federal approval if federal 22  
law authorizes implementation to begin before receipt of the 23  
federal approval. Implementation shall cease if the federal 24  
approval is ultimately denied. 25

**Sec. 5164.061.** (A) As used in this section: 26

(1) "Prescriber" has the same meaning as in section 27  
4729.01 of the Revised Code, but does not include a dentist, 28  
optometrist, or veterinarian. 29

(2) "Prior authorization requirement" means any practice 30  
in which coverage of a health care service, device, or drug is 31  
dependent upon a recipient or health care practitioner obtaining 32  
approval from the medicaid program prior to the service, device, 33  
or drug being performed, received, or prescribed, as applicable. 34

(B) (1) The medicaid program shall cover evaluation and 35  
management services provided by a chiropractor if the 36  
chiropractor is licensed to practice chiropractic under Chapter 37  
4734. of the Revised Code. 38

(2) The medicaid director may adopt rules under section 39  
5164.02 of the Revised Code to cover other services provided by 40  
a chiropractor under the medicaid program. 41

(3) With respect to the coverage described in this 42  
section, all of the following apply: 43

(a) A chiropractor may provide covered services in any location, including a hospital or nursing facility. 44  
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(b) The medicaid program shall not impose a prior authorization requirement on covered services. 46  
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(c) The medicaid program shall not make coverage contingent upon the medicaid recipient first receiving a referral, prescription, or treatment from a prescriber. 48  
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(C) If a service described in this section could be provided by either a chiropractor licensed under Chapter 4734. of the Revised Code or a licensed health professional other than a chiropractor, the medicaid program shall pay the chiropractor the same amount for the service that it pays the licensed health professional. 51  
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**Sec. 5167.15.** When contracting under section 5167.10 of the Revised Code with a medicaid managed care organization, the department of medicaid shall require the organization to comply with section 5164.061 of the Revised Code as if the organization were the department. 57  
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This section does not limit the authority of a medicaid managed care organization to implement measures designed to improve quality and reduce costs. 62  
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**Section 2.** That existing section 5162.06 of the Revised Code is hereby repealed. 65  
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