

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: October 10, 2019
TIME: 1:00 p.m.
LOCATION: Room A501, Lazarus Building
50 W. Town St., Columbus, OH 43215

Pursuant to sections 5165.02 and 5165.38 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Medicaid (department) gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Proposed for Amendment

Rule 5160-3-24, entitled "Nursing facilities (NFs): prospective rate reconsideration for possible calculation errors" sets forth the provisions for a prospective rate reconsideration due to a possible error in the calculation of the per diem rate. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for amendment. The changes to this rule are:

- Language is being modified to align with language that is contained in the Ohio Revised Code and for succinctness.
- In order to align with current departmental procedures, language is being modified so that a request for reconsideration must be filed no more than 30 days after the later of the date on the rate setting package notification or the effective date of the rate, rather than 30 days after the later of the initial payment of the rate or the date on the rate setting package notification.
- Language is being modified to clarify that the Department of Medicaid's decision at the conclusion of the rate reconsideration process is final and shall not be subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code or Administrative Code.

Rule 5160-3-42.3, entitled "Nursing facilities (NFs): capital asset and depreciation guidelines" sets forth the provisions for capitalization and depreciation of assets for nursing facility providers. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for amendment. The changes to this rule are:

- Language is being modified for enhanced clarity and comprehension as well as to correct erroneous language and misspellings.
- Language is being modified to clarify that the straight-line method of depreciation and salvage value is not required in Chapter 1 of CMS publication 15-1.
- Publication dates are being updated to comply with Joint Committee on Agency Rule Review (JCARR) rule filing requirements.

A copy of the proposed rules is available, without charge, to any person at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Written and oral testimony will be taken at the public hearing. Additionally, written

comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Medicaid, Office of Legal Counsel, Rule Administrator, 50 W. Town Street, Suite 400, Columbus, Ohio 43215-3414, by fax at (614) 995-1301, or by e-mail at Rules@Medicaid.Ohio.gov. Testimony received may be reviewed at this address.