



Department of Medicaid

Mike DeWine, Governor
Jon Husted, Lt. Governor

Maureen M. Corcoran, Director

PUBLIC HEARING NOTICE OHIO DEPARTMENT OF MEDICAID

DATE: April 15, 2021

TIME: 10AM-11AM

Teleconference Dial-in Phone Number: 614.721.2972

Teleconference Pin: 944 748 855#

Teleconference Link: [Click here to join the meeting](#)

Pursuant to Chapter 119 and section 5164.02 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the adoption, amendment, or rescission of the rule or rules identified below and of a public hearing thereon.

Rule 5160-2-10, entitled **Payment policies for disproportionate share and indigent care adjustments for psychiatric hospitals**, is being proposed for rescission. This rule sets forth the conditions, requirements, and operation of the disproportionate share and indigent care (DSH) program for psychiatric hospitals as well as the distribution formula. The provisions of this rule are being updated and incorporated into a new Ohio Administrative Code (OAC) rule 5160-2-10.

Rule 5160-2-10, entitled **Payment policies for disproportionate share and indigent care adjustments for psychiatric hospitals**, is being proposed for adoption. This rule sets forth the conditions, requirements, and operation of the disproportionate share and indigent care (DSH) program for psychiatric hospitals as well as the distribution formula. This rule updates how psychiatric hospitals qualify for IMD-DSH funding. Psychiatric hospitals will qualify for IMD-DSH funding if they have both a Medicaid inpatient utilization rate greater than or equal to one percent and uncompensated care costs of at least seventy-five percent of total facility costs, and they meet the obstetric services requirements in section 1923(d) of the Social Security Act. Lastly, the department is also proposing to update the calculation of the Medicaid inpatient utilization rate to include inpatient days attributable to patients covered under 42 CFR 438.6(e), to reflect current policy, which allows the department to include recipients that receive inpatient services in an IMD in the calculation for the distribution formula. These changes are being made as part of the Department's efforts to reform and modernize Ohio's IMD-DSH program.

Pursuant to Sub. H.B. 404 (133rd General Assembly), amending Section 12 of Am. Sub. H. B.

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197 (133rd General Assembly), ODM will hold the public hearing for this rule package via teleconference. The phone number and pin and the date and time for this hearing are listed at the top of this Notice. All interested parties are invited to participate in the public hearing. Oral and written testimony will be accepted for this hearing and will be given the same consideration. Those who want to give oral testimony are asked to send an email to Rules@Medicaid.Ohio.gov no later than one hour before the hearing to be added to the witness list. There will be a final call at the end of the hearing for those who wish to offer oral testimony but are not yet on the witness list.

Written comments submitted via fax, United States Postal Service, and email that are received or postmarked no later than the day of the hearing will be accepted as testimony and become part of the hearing record. All testimony will become public record; therefore, the Ohio Department of Medicaid asks that protected health information only be included if the information belongs to the person submitting the testimony or a person for which the submitter is a legal guardian. Written testimony sent via email is highly recommended, all testimony received via email will receive a confirmation of receipt.

A copy of the proposed rule 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/>. Requests for a copy of the proposed rule or comments on the rule should be submitted by mail to the Ohio Department of Medicaid, Office of Legal Counsel, 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.

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