

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: June 21, 2011

TIME: 10:00 a.m.

LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad Street, Columbus, Ohio 43215

Pursuant to Sections 5111.0112, 5111.02, 5111.16, 5111.162, and 5111.17, and Chapter 119. of the Ohio Revised Code (ORC), the director of the Ohio Department of Job and Family Services (ODJFS) gives notice of the department's intent to consider the amendment of the rules identified below and of a public hearing thereon.

Three rules identified below are being amended in order to update and clarify provisions for Medicaid managed care plan (MCP) newborn coverage, third party liability and subcontracting requirements.

Rule 5101:3-26-02 entitled Managed health care programs: eligibility, membership, and automatic renewal of membership, is being proposed for amendment. This rule sets forth eligibility, membership, and automatic renewal of membership provisions for Medicaid managed care plans (MCPs). In order to comply with a federal directive, the changes to the rule delete provisions in the rule requiring mothers of Medicaid newborns to contact the county department of job and family services (CDJFS) regarding the newborn. Additionally, the changes to rule 5101:3-26-02 delete language that would require a newborn to be disenrolled from an MCP after 90 days if the child's eligibility status is not updated timely within the State's eligibility system.

Rule 5101:3-26-05, entitled Managed health care programs: provider panel and subcontracting requirements, is being proposed for amendment. This rule sets forth provisions for Medicaid managed care plan (MCP) provider panel and subcontracting requirements. The changes to the rule add language clarifying the requirement for submission of subcontracts to ODJFS and review of sanctioned providers by MCPs. Additionally, the rule adds clarifying language regarding the MCP's submission of the annual assessment of a delegated entity's performance to ODJFS and modifies the notification requirements for primary care provider (PCP) and hospital subcontract expirations, nonrenewals or terminations. In paragraph (D)(36), the rule adds a provision that MCP subcontracts include an agreement by the subcontractor to supply the business transaction information required under 42 CFR 455.105.

Rule 5101:3-26-09.1, entitled Managed health care programs: third party recovery, is being proposed for amendment. This rule sets forth the provisions for Medicaid managed care plan (MCP) third party recovery. The amendments to this rule add clarifying language regarding the processing of third party claims and give MCPs more flexibility in the methods they can use for notifying the Ohio Department of Job and Family

Services (ODJFS) of requests that are received from the release of financial and medical records and authorizations to release financial claim statement letters. Additionally, the changes in (B)(6)(a)(i) reduce the burden on MCPs by requiring only one submission of a claim to a third-party payor rather than three submissions. Finally, in new section (B)(7), the amended rule imposes a timely filing deadline for MCPs for provider claims of at least 90 days from the date of a remittance advice that indicates adjudication or adjustment of the third party claim.

A copy of the proposed rules is available, without charge, to any person affected by the rules, 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. Either written or 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 Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.