

FEDERAL MEDICAID NOTICE AND PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

**DATE:** November 18, 2011  
**TIME:** 10:00 a.m.  
**LOCATION:** Room 2925, Rhodes State Office Tower  
30 East Broad Street, Columbus, Ohio

Pursuant to Chapter 5111.02 and Chapter 119 of the Ohio Revised Code and 42 CFR 447.205 and section 1902(a)(13)(A) of the Social Security Act, the Director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider adoption of rules 5101:3-18-01 and 5101:3-4-36 and of a public hearing thereon.

Rule 5101:3-18-01, entitled Freestanding Birth Center: Eligible Providers, Covered Services and Reimbursement, is being proposed for adoption to comply with Section 2301 of the federal Patient Protection and Affordable Care Act (effective March 23, 2010) mandating that state Medicaid programs cover freestanding birth center services. This rule sets forth the definition of freestanding birth centers and describes the criteria freestanding birth centers must meet to be eligible to receive reimbursement from Ohio's Medicaid program. It also describes the medically necessary services for which freestanding birth centers may receive reimbursement from Ohio's Medicaid program and the Ohio Medicaid reimbursement rate for medically necessary services provided by freestanding birth centers.

Rule 5101:3-4-36, entitled Covered Freestanding Birth Center (FBC) Procedures, is being proposed for adoption to comply with Section 2301 of the federal Patient Protection and Affordable Care Act (effective March 23, 2010) mandating that state Medicaid programs cover freestanding birth center services. This rule sets forth that physicians may be reimbursed for covered procedures that they provide in freestanding birth centers.

Facility reimbursement for freestanding birth centers will be less than facility reimbursement for the same or similar services provided in a hospital. This lower reimbursement will result in some decreased spending by the Ohio Medicaid program. At the same time, the present capacity for freestanding birth centers to serve Ohio's Medicaid program is very low since there is only one licensed freestanding birth center in the state.

The Department does not anticipate any impact on the budget resulting from these rules. Presently, there is only one licensed freestanding birth center in Ohio. That freestanding birth center only provides services to the Amish population and is not interested in becoming a Medicaid provider. We are not aware of any freestanding birth centers which are licensed by Ohio or a neighboring state and interested in becoming an Ohio Medicaid provider.

A copy of the proposed rule is available, without charge, to any person affected by the rule at the address listed below and at the county departments of job and family services.

The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule 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 rule or comments on the rule 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](mailto:rules@jfs.ohio.gov). Comments received may be reviewed at this address.