

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: December 7, 2011
TIME: 10:00 a.m.
LOCATION: Room 1855, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to section 5111.02 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services 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.

The following rules are being proposed for amendment pursuant to section 119.032 of the Revised Code.

Rule 5101:3-3-42, entitled Nursing facilities (NFs): chart of accounts, is being proposed for amendment due to five year review, and to implement provisions of Sections 5111.20 and 5111.271 of the Revised Code adopted under Amended Substitute House Bill 153 of the 129th General Assembly relating to the administration of the Medicaid program. This rule sets forth the Medicaid chart of accounts for nursing facilities. Changes to the chart of accounts are as follows:

On all 52 pages of the chart of accounts, the revision date in the header is being updated to 09/2011.

Account 2440 and throughout the chart of accounts: The revision date for CMS publication 15-1 is being removed from the account description because each section of that publication is revised independently, and there is no longer an overall date of revision for the entire publication.

Accounts 6205 Quality Assurance, 7110 Pharmaceutical Consultant, and 7291 Qualified Mental Retardation Professional: In the account descriptions, the edition dates and the website addresses for the applicable CFRs are being removed.

Account 6207 Behavioral and Mental Health Services: This is a new account number being added to direct care costs pursuant to Section 5111.20 of Am. Sub. H.B. 153, and includes new sub-accounts 6207.1 Behavioral and Mental Health Services salary and 6207.2 Behavioral and Mental Health Services contract.

Account 6322 Oxygen: The phrase "Beginning 09/01/09" is being removed from the account description because the language is no longer necessary.

Accounts 6600 through 6680.2: The notation "(only 08/01/09 forward)" is being removed from the account titles because the language is no longer necessary.

Account 7631 Resident Transportation: The phrase "For the period 08/01/09 - 08/17/09 and for 10/01/09 and forward" is being deleted from the account description because the language is no

longer necessary. The sentence "Resident transportation costs for the period 08/18/09 - 09/30/09 are reimbursed on a direct bill basis if services were provided by a qualified medicaid transportation provider." is being deleted from the account description because the language is no longer necessary. Sub-accounts 7631.1 "Resident transportation salary" and 7631.2 "Resident transportation other" are being added to allow for the cost of salaries.

Account 7735 Custom Wheelchairs: The notation "(only 08/01/09 forward)" and the phrase "Beginning 08/01/09" are being removed from the account description because the language is no longer necessary.

Accounts 9600 through 9700.2: These accounts are being removed under Non-Reimbursable Expenses because, effective 8/01/09, these costs are reported using account numbers 6600 through 6645.2 under Direct Care Therapies. Accordingly, the leading paragraph under Non-Reimbursable Expenses is being modified to remove language that is no longer necessary.

Account 9720 Oxygen: This account is being removed because, effective 8/1/09, emergency stand-by oxygen is reported in account 6321 and all other oxygen is reported in account 6322.

Account 9730 Late Fees, Fines or Penalties: The language "Includes those fees, fines, or penalties" is being added to the account description for clarification. Language is also being added to the account description to include audit fines assessed pursuant to Section 5111.271 of the Ohio Revised Code.

Rule 5101:3-3-42.1, entitled Nursing facility (NF): medicaid cost report, is being proposed for amendment due to five year review, and to implement provisions of Sections 5111.20 and 5111.331 of the Revised Code adopted under Amended Substitute House Bill 153 of the 129th General Assembly relating to the administration of the Medicaid program. This rule sets forth the Medicaid cost report for nursing facilities. The changes to the cost report general instructions, and schedules and attachments are as follows:

Cost Report General Instructions

The revision date for the cost report instructions is being updated from 01/2010 to 09/2011 in the footer and throughout the instructions.

The page numbers in the header of the cost report instructions are being updated because there are now 61 pages in the cost report instead of 63 due to the removal of Attachments 4 and 5, as described below.

On Page 2, under "Electronic Submission of the Medicaid Cost Report," the instructions are being modified to eliminate the option of selecting a vendor from an ODJFS approved list of vendors because such a list no longer exists.

On Page 2, under "Filing Requirements," the entity to which requests for an extension of the cost report filing deadline may be made is being updated to "Rate Setting and Cost Settling Unit, DDO, OHP."

On Page 2, under "Reasonable Cost," and on Page 18 under "Attachment 2, Adjustment to Trial Balance," the revision date for CMS publication 15-1 is being removed because each section of that publication is revised independently, and there is no longer an overall date of revision for the entire publication.

On Page 2, under "Reasonable Cost," and on Page 11 under "Religious Nonmedical Health Care Institution (RNHCI)," the revision dates for the applicable CFR citations are being removed.

On Page 4, under "Table of Cost Report Schedules," the title of Schedule E-1 is being modified to reflect the changes made to Schedule E-1 as described below. The references to Attachments 4 and 5 are being deleted to reflect the removal of those attachments from the cost report, and the page numbers for Attachments 6 through 8 are being updated accordingly.

On Page 5, under "Cost Report Instructions," the references to Attachments 4 and 5 are being deleted to reflect the removal of those attachments from the cost report, and the cost report page numbers for Attachments 6, 7, and 8 and the sequence numbers are being updated accordingly.

On Page 7, under "National Provider Identifier (NPI)," the instructions are being modified to eliminate language explaining the transition from previous health care identifiers to NPIs because all nursing facilities have made the transition.

On Page 9, under "Real Estate Investment Trust," the United States Code citation is being updated.

On Page 10, under "Nonprofit Corporation," two United States Code citations are being updated.

On Page 11, the definition of "Home for the Aging" is being removed because that care setting is no longer licensed by the Ohio Department of Health.

On Page 11, the definition of "Other Assisted Living/Nursing Home combination" is being modified to removed the reference to homes for the aging because that care setting is no longer licensed by the Ohio Department of Health.

On Page 12, under "Schedule A-1, Summary of Inpatient Days," the instructions for Column 1 are being modified to clarify that the beds certified by the Ohio Department of Health means those certified as nursing facility beds.

On Page 12, under "Schedule A-1, Summary of Inpatient Days," the definition of an inpatient day is being added to the instructions for Column 2.

On Pages 12 and 13, under "Schedule A-1, Summary of Inpatient Days," the instructions for Columns 3 and 4 are being modified to reflect the provisions of ORC 5111.331 adopted under H.B. 153 regarding hospital and therapeutic leave days, an applicable example is being added, column references are being changed to reflect changes made on Schedule A-1 as described below, and a note is being added that the calculation of inpatient days should round to the

nearest half day.

On Page 13, in the instructions for Column 5, column references are being changed to reflect changes made on Schedule A-1 as described below.

On Page 13, in the instructions for Columns 7, 8 and 9, the reference to Attachment 4 is being deleted because Attachment 4 is being eliminated for reasons described below.

On Page 13, in the instructions for Column 10, the definition of an inpatient day is being removed because it is being moved to Page 12.

On Page 13, language regarding the leave day limit and supplemental payment is being removed.

On Page 13, the instructions for Attachment 4, "Paid Nonmedicaid Leave Days" are being removed because Attachment 4 is being deleted as described below.

On Page 16, Attachment 5, "Nurse Aide Training Statistical Information" is being deleted because the information it collects is being collected by the Ohio Department of Health.

On Page 16, under "Schedule B-1, Tax Costs (Columns 1-4)," contract services and supplies are being removed as reportable expenses in Column 2.

On Page 18, under "Schedules B-1, B-2, C and D (Columns 4-7)," the phrase "limit the precision" is being replaced with "the allocation ratio should be calculated" in order to provide more accurate instructions.

On Page 22, under "Schedule C-2" "Page 1 of 2" and "Page 2 of 2," instructions are being added so that Social Security numbers are not required for non-profit or governmental facilities.

On Page 24, Position Code WH066 for Account 6207 "Behavioral and Mental Health Services" on Schedule B-2 is being added to the WH Code List, and Schedule B-2 line number references are being updated accordingly.

On Page 24, the notation "(only 08/01/09 forward)" is being removed from the titles for WH Codes WH030 through WH035 and WH063 through WH065 because the notation is no longer necessary.

On Page 26, under "Schedule C-3, Cost of Services from Related Organizations," instructions are being added so that Social Security numbers are not required for non-profit or governmental facilities.

On Page 27, under "Schedule E-1, Equity Capital of Proprietary Providers," the instructions for lines 23 through 34 are being removed to reflect changes made to Schedule E-1 as described below. Accordingly, the header is being modified from "Schedule E-1, Return on Equity Capital of Proprietary Providers" to read "Schedule E-1, Equity Capital of Proprietary Providers," and the phrase "and the average equity capital amount" is being deleted from the

end of the first sentence.

Cost Report Schedules and Attachments

The page numbers for all schedules and attachments are being updated due to the removal of Attachments 4 and 5, as described below.

Schedule A, Page 1 of 2: In the "Care Setting" box, "Home for the Aging" is being deleted because that care setting is no longer certified by the Ohio Department of Health.

Schedule A, Page 2 of 2: In the sentence under Chain Home Office Information box, the Code of Federal Regulations citation is being updated.

Schedule A-1: New columns 3b and 4b are being added for reporting hospital and therapeutic leave days that are paid at 18%, and the instructions at the top of Schedule A-1 are being updated to account for those days paid at 18%. The "Hospital Leave Days @ 50%" column is being re-numbered from 3 to 3(a), and the "Therapeutic Leave Days @ 50%" column is being re-numbered from 4 to 4(a). Also, a note is being added at the bottom of the page stating that all leave days should round to two decimal places.

Schedule A-2: In Section B, line 6, the reference to line 15 in Schedule B-2 is being changed to line 16 due to changes made to Schedule B-2 as described below.

Schedule B-2, Page 1 of 2: Account number 6207 "Behavioral and Mental Health Services" is being added, and line numbers and references are being updated accordingly. For account number 6322, the notation "(only 08/01/09 forward)" is being removed from the account title because the notation is no longer necessary. At the bottom of the page, the phrase "limit the precision" is being replaced with "the allocation ratio should be calculated" in order to provide more accurate instructions.

Schedule B-2, Page 2 of 2: Line numbers and references are being updated due to the addition of account number 6207 on Page 1 of this schedule. For the section "Direct Care Therapies," the notation "(only 08/01/09 forward)" is being removed from the section header and from the account titles on lines 38 through 49 because the notation is no longer necessary. In the sentence below line 58, the phrase "limit the precision" is being replaced with "the allocation ratio should be calculated" in order to provide more accurate instructions.

Schedule C, Page 1 of 3: At the bottom of the page, the phrase "limit the precision" is being replaced with "the allocation ratio should be calculated" in order to provide more accurate instructions.

Schedule C, Page 2 of 3: For account numbers 7631 and 7735, the notation "(only 08/01/09 forward)" is being removed from the account titles because the notation is no longer necessary. At the bottom of the page, the phrase "limit the precision" is being replaced with "the allocation ratio should be calculated" in order to provide more accurate instructions.

Schedule C, Page 3 of 3: Under "Non-Reimbursable Expenses," the following accounts are being removed because, effective 8/1/09, they are reimbursable expenses and are in Schedule

B-2:

9600 Physical Therapist (only through 07/31/09)

9610 Physical Therapy Assistant (only through 07/31/09)

9620 Occupational Therapist (only through 07/31/09)

9630 Occupational Therapist Assistant (only through 07/31/09)

9640 Speech Therapist (only through 07/31/09)

9650 Audiologist (only through 07/31/09)

9660 Payroll Taxes -Therapy (only through 07/31/09)

9670 Workers' Compensation - Therapy (only through 07/31/09)

9680 Employee Fringe Benefits - Therapy (only through 07/31/09)

9690 EAP Administrator - Therapy (only through 07/31/09)

9695 Self Funded Program Admin. - Therapy (only through 07/31/09)

9700 Staff Development - Therapy (only through 07/31/09)

9720 Oxygen (only through 07/31/09)

Additionally in Schedule C, page 3 of 3, line numbers are being updated due to the removal of the above accounts, and in one of the sentences at the bottom of the schedule, the phrase "limit the precision" is being replaced with "the allocation ratio should be calculated" in order to provide more accurate instructions.

Schedule C-2, Page 1 of 2 and Page 2 of 2: In the instructions, language is being added so that Social Security numbers are not required for non-profit and governmental facilities.

Schedule C-3, Page 1 of 3, Page 2 of 3, and Page 3 of 3: Notes have been added stating that Social Security numbers are not required for non-profit and governmental facilities.

Schedule D: At the bottom of the page, the phrase "limit the precision" is being replaced with "the allocation ratio should be calculated" in order to provide more accurate instructions.

Schedule E-1: Section B of this schedule is being deleted because the data it collects is not necessary for the administration of the Medicaid program. Accordingly, the title of this schedule is being changed from "Return on Equity Capital of Proprietary Providers" to "Equity Capital of Proprietary Providers," and column references in line 22 are being removed.

Attachment 3: In the instructions for Exhibit 3, the revision date for CMS publication 15-1 is being removed because each section of that publication is revised independently, and there is no longer an overall date of revision for the entire publication.

Attachment 4: This attachment is being deleted because the data it collects is not necessary for the administration of the Medicaid program.

Attachment 5: This attachment is being deleted because the data it collects is also collected by the Ohio Department of Health.

Attachment 6, Page 1 of 2: Account number 6207 "Behavioral and Mental Health Services" is being added, and line numbers and references are being updated accordingly. Under the section "Direct Care Therapies," the notation "(only 08/01/09 forward)" is being removed from the account titles on lines 20 through 28 because the notation is no longer necessary.

Attachment 6, Page 2 of 2: Line numbers and references are being updated due to the addition of account number 6207 on Page 1 of this schedule. Account number 7631 "Resident Transportation" is being added under the section "Administration and General Services" to allow for the cost of salaries.

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 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. Comments also may be reviewed at this address.