

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: January 31, 2012
TIME: 10:00 AM
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad Street, Columbus, OH 43215

Pursuant to section 5111.02 and Chapter 119. of the Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the rescission and adoption of the rules as identified below and a public hearing thereon.

The rules contained in this notice include changes to the Ohio Administrative Code (OAC) rules, policy, and associated processes regarding the determination of an individual's level of care for purposes of Medicaid payment for long-term services and supports.

These rules are one component of a larger project of long-term services and supports system balancing to be accomplished through the Money Follows the Person (MFP) Front Door Project. The Front Door Project is a four-phase project that is guided by a Front Door Stakeholder Group. The rules identified below are included in phase two of the project, which encompasses the updating and re-writing of rules to provide short-term system balance related specifically to an individual's level of care. Additional changes are expected in later phases of the Front Door Project.

Rules proposed for Rescission:

5101:3-3-05, Skilled level of care (SLOC), describes the criteria used to determine whether an individual who is seeking Medicaid payment for long-term care services needs a skilled level of care. It is being proposed for rescission and will be replaced by new rule 5101:3-3-08.

5101:3-3-06, Intermediate level of care (ILOC), describes the criteria used to determine whether an individual who is seeking Medicaid payment for long-term care services needs an intermediate level of care. It is being proposed for rescission and will be replaced by new rule 5101:3-3-08.

5101:3-3-08, Protective level of care, describes the criteria used to determine whether an individual who is seeking Medicaid payment for long-term care services needs a protective level of care. It is being proposed for rescission and will be replaced by new rule 5101:3-3-06.

5101:3-3-15, In-person assessments and level of care review process for medicaid covered long term care services, describes the in-person assessment process and level of care review process for individuals who are seeking Medicaid payment for long-term care services. It is being proposed for rescission and will be replaced by a new rule with the same number.

Rules Proposed for Adoption:

5101:3-3-05, Level of care definitions, is a new rule that describes the definitions used in the process of making a determination of an individual's level of care. Definitions were removed from rules 5101:3-3-05, 5101:3-3-06, 5101:3-3-08, and 5101:3-3-15 and placed into this rule.

5101:3-3-06, Criteria for the protective level of care, is a new rule that describes the criteria for an individual to meet the protective level of care. Information regarding a protective level of care was removed from rule 5101:3-3-08 and placed into this rule.

5101:3-3-08, Criteria for nursing facility-based level of care, is a new rule that describes the criteria for an individual to meet the nursing facility (NF)-based level of care. The NF-based level of care includes the intermediate and skilled levels of care. Information regarding intermediate and skilled levels of care was removed from rules 5101:3-3-06 and 5101:3-3-05 and placed into this rule.

5101:3-3-15, Process and timeframes for a level of care determination for nursing facility-based level of care programs, is a new rule that describes the processes and timeframes for a level of care determination for a nursing facility (NF)-based level of care program. A NF-based level of care program includes a nursing facility, a home and community-based services waiver, or other Medicaid program that requires a NF-based level of care.

Copies of the proposed rule are available, without charge, to any person affected by the rule at the address listed below. 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.