

LEGAL NOTICE  
STATE OF OHIODEPARTMENT OF JOB AND FAMILY SERVICES  
COLUMBUS, OHIO

Pursuant to Sections 5111.02 and Chapter 119. of the Ohio Revised Code, and 42 CFR 447.205, the Director of the Department of Job and Family Services gives notice of the Department's intent to propose and rescind the rules listed below on a permanent basis to be effective on or before March 11, 2004 and to conduct a public hearing thereon.

5101:3-43-01 (adopt) Medicaid Home and Community-Based Services Program - Residential Facility Waiver. This rule pertains to the Residential Facility Waiver as a component of the Medicaid program and authorizes rules written by the Ohio Department of Mental Retardation and Developmental Disabilities, which administers the program pursuant to an Interagency Agreement with the Ohio Department of Job and Family Services. This rule specifies eligibility, enrollment, disenrollment, due process, the service package, certification for providers of waiver services, monitoring and compliance activities, local match obligations, provider contracting, and dispute resolution. ODJFS estimates that expenditures for waiver services will not increase or decrease on an annual aggregate basis as a result of this rule.

This rule is being refiled on January 30, 2004 in order to add the applicable rule reference for payment standards related to environmental accessibility adaptations to paragraph (K), as well as establishing the service code and maximum service payment per item.

Changes that have been made to this rule in a previous refiling included clarification changes to paragraph (E)(4) regarding disenrollment of residential facility waiver enrollees; Changes to paragraphs (H), (J) and (I) added clarification language related to qualified providers and certification standards; Changes to paragraph (K) include more specific language about applicable payment standards; And, changes made to paragraph (N) specifically added language regarding the ISP.

A public hearing for rule 5101:3-43-01(adopt) of the Ohio Administrative Code will be held on February 17, 2004 at 10:00 a.m. in room 1865 of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio. Written and verbal testimony on this rule will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than February 17, 2004 will be treated as testimony.

Rule 5101:3-41-11 was originally proposed for adoption on August 20, 2003 and is expected to be refiled to be effective on a permanent basis on May 1, 2004.

5101:3-41-11 (adopt - refiled) Home and community-based services - statewide fee schedule for waiver programs administered by the Ohio Department of Mental Retardation and Developmental Disabilities. This rule contains provisions for the new statewide rate methodology and transition process for conversion to the new reimbursement system as well as the maximum rates. This rule has already gone through the public process but was not yet final filed. The revisions to the rule includes payment standards associated

with the new Community Access Model Waiver program that was developed as a result of budgetary constraints by ODMRDD. ODJFS estimates that expenditures for waiver services for ODJFS will not increase or decrease on an annual aggregate basis as a result of this rule.

5101:3-40-01 (rescind) Home and community-based services waiver VI program.

This rule pertains to the Individual Options Waiver and contains the original application as approved by CMS as an appendix. The appendix outlines the waiver service package, provider certification, planning requirements, and other federally required provisions. This rule is no longer current and requires changes that are significant enough to warrant a rescission and new proposed rule that better reflects the renewed waiver.

5101:3-40-01 (adopt) Medicaid Home and Community-based Services Program - Individual Options Waiver. This rule pertains to the Individual Options Waiver as a component of the Medicaid program and authorizes rules written by the Ohio Department of Mental Retardation and Developmental Disabilities, which administers the program pursuant to an Interagency Agreement with the Ohio Department of Job and Family Services. This rule specifies eligibility, enrollment, disenrollment, due process, the service package, certification for providers of waiver services, monitoring and compliance activities, local match obligations, provider contracting, and dispute resolution. ODJFS estimates that expenditures for waiver services will not increase or decrease on an annual aggregate basis as a result of this rule. This rule was refiled on January 30, 2004 to include the following changes:

This rule is being refiled on January 30, 2004 in order to make changes to paragraph (K) which addresses provider payment standards for individual option waiver services. The changes clarify the appropriate rule references for payment standards related to this waiver program.

Changes made to this rule in a previous refiling included clarification changes to paragraph (E)(5) regarding disenrollment of individual options enrollees and the deletion of language referring to emergency services; Changes to paragraphs (H), (J) and (D) added clarification language related to qualified providers and certification standards; Changes to paragraph (K) include more specific language about applicable payment standards; And, changes made to paragraph (N) specifically added language regarding the ISP.

5101:3-43-01 (rescind) Home And Community-Based Services: Residential Facility Waiver.

This rule pertains to the Residential Facilities Waiver and contains the original application as approved by CMS as an appendix. The appendix outlines the waiver service package, provider certification, planning requirements, and other federally required provisions. This rule is no longer current and requires changes that are significant enough to warrant a rescission and new proposed rule that reflects the content of the renewed waiver.

5101:3-44-01 (adopt) Medicaid Home and Community-based Services Program - Community Access Model Waiver. This rule is being proposed in response to the budgetary cuts that require the closure of two state operated developmental centers. This rule pertains to the Community Access Model Waiver as a component of the Medicaid program and authorizes rules written by the Ohio Department of Mental Retardation and Developmental Disabilities, which administers the program pursuant to an Interagency

Agreement with the Ohio Department of Job and Family Services. This rule specifies eligibility, enrollment, disenrollment, due process, the service package, certification for providers of waiver services, monitoring and compliance activities, local match obligations, provider contracting, and dispute resolution. ODJFS estimates that expenditures for waiver services will not increase or decrease on an annual aggregate basis as a result of this rule.

This rule is expected to be refiled to be effective on a permanent basis on May 1, 2004.

A public hearing on these rules was held on December 3, 2003 at 10:00 a.m. in room 1865 of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio. Written and verbal testimony on the rules was taken at the public hearing. Additionally, written comments submitted or postmarked no later than December 3, 2003 were treated as testimony.

A copy of the proposed rules is available for review in each county department of job of family services, at <http://www.state.oh.us/odjfs/legal/index.htm> and at <http://www.registerofohio.state.oh.us>. Requests for a copy of the rules or comments on them should be submitted by mail to Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [legal@odjfs.state.oh.us](mailto:legal@odjfs.state.oh.us). Written comments received may be reviewed at the department at the address listed above.