

**PUBLIC HEARING NOTICE
OFFICE OF MEDICAL ASSISTANCE**

DATE: March 27, 2013
TIME: 10:00 a.m.
LOCATION: Room 1865, 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 Medical Assistance Director gives notice of the office's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Rule 5101:3-3-16.4, entitled "Coverage of bed-hold days for medically necessary and other limited absences from nursing facilities (NFs)" sets forth the provisions for leave days for nursing facilities (NFs). This rule is being amended to clarify coverage of leave days for NF residents who are on home and community-based services (HCBS) waivers, and who are not using the NF for short-term respite care as a waiver service.

The changes to the rule are: references to the Ohio Department of Job and Family Services and ODJFS are being replaced with references to the Office of Medical Assistance and OMA; new language in paragraph (A)(4) clarifies that, for purposes of this rule, a NF is not defined as a medical institution; language in paragraphs (A)(6) and (F)(3) is being modified to account for HCBS consumers in a NF who use leave days for reasons other than hospitalization; references to calendar years 2011 and 2012 in paragraph (F)(2) are being removed, and consequently the paragraph is being restructured to conform to rule drafting guidelines; in paragraph (D)(4)(a), language is being added to specify that the reimbursement provisions for hospital leave days apply to NF residents on HCBS waivers; in paragraph (D)(4)(b)(i), the acronym CDJFS is being spelled out to conform with rule drafting guidelines, and the punctuation at the end of that paragraph is being changed for consistency; paragraphs (D)(4)(b)(iii) and (D)(4)(c)(iv) are being added to include reimbursement limits specific to NF residents on HCBS waivers; paragraphs (E)(1) and (E)(2) have been replaced with new paragraph (E), which contains updated language regarding claims submission; in paragraph (J)(1)(b), language is being added regarding Medicare Part A SNF benefits and resident eligibility for leave days; new language in paragraph (J)(6) establishes eligibility for leave days for the purpose of hospitalization only for NF residents on an HCBS waiver; language is being deleted in paragraph (K)(3) because it conflicts with the policy to cover hospital leave days for NF residents on an HCBS waiver; and in paragraph (K)(3), in order to be comprehensive, six citations of Administrative Code Chapters that contain eligibility criteria for the HCBS waiver program are being added to those already listed.

A copy of the proposed rule is available at the address listed below and without charge, to any person affected by the rule and at the county departments of job and family services. The proposed 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 Office of Medical Assistance c/o 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. Comments received may be reviewed upon request.