

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: November 29, 2004
TIME: 10:00 AM
LOCATION: Room 1823, 30 East Broad Street, Columbus, Ohio

Pursuant to Section 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 amend rules: 5101:3-1-60 and 5101:3-10-20 on an emergency and permanent basis and of a public hearing upon the permanent amendment.

Rule 5101:3-1-60 entitled Medicaid reimbursement contains the fee schedule for non-institutional services. It is being amended on an emergency basis to be effective November 1, 2004, and proposed for permanent amendment, to remove the HCPCS codes and prices for digital and programmable hearing aids since the proposed hearing aid rule 5101:3-10-11 is not in effect despite repeated rule filings. Therefore, there is no Administrative Code rule to support the criteria for coverage for digital and programmable hearing aids. While there is no impact on expenditures due to the fact that the codes in question never took effect, the Department estimates that had these codes become effective, the change results in cost avoidance estimated to be \$1.5 million over a 12-month period. In addition, prices for seven DME codes are being added to make this rule consistent with codes listed in rule 5101:3-10-20 and a "+" sign has been added to certain DME codes to denote how the Department will handle the prior authorization of DME codes.

Rule 5101:3-10-20 entitled Covered orthotic and prosthetic services and associated limitations contains the coverage provisions for orthotic and prosthetic services (including hearing aids). It is being amended on an emergency basis to be effective November 1, 2004, and proposed for permanent amendment, to remove the HCPCS codes for digital and programmable hearing aids since the proposed hearing aid rule 5101:3-10-11 is not in effect despite repeated rule filings. Therefore, there is no Administrative Code rule to support the criteria for coverage for digital and programmable hearing aids. The impact estimate for cost savings in 5101:3-1-60 is also applicable to this rule.

Please be advised that the Department will be refileing these rules later to add the new HCPCS codes for 2005. **An additional public hearing for the revision of rule 5101:3-1-60 and 5101:3-10-20 will be scheduled for a later date.**

Copies of the emergency and the proposed permanent rules are available, without charge, to any person affected by them 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 permanent rules will be held at the date, time and location listed at the top of this notice. Either written or verbal 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 copies of the emergency or proposed permanent rules and comments on them should be submitted by mail to Ohio Department of Job and Family Services, Office of Legal Services,

30 East Broad Street, 31st Floor, Columbus, Ohio 43215, by fax at (614) 752-8298, or by e-mail at legal@odjfs.state.oh.us.