

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** October 3, 2007  
**TIME:** 10:00 a.m.  
**LOCATION:** Room 3110B, 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 adoption pursuant to section 119.032 of the Revised Code.

Rule 5101:3-3-16.4 Coverage of bed-hold days for medically necessary and other limited absences from nursing facilities (NFs) is a new rule being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It replaces rule 5101:3-3-59, which is being proposed for rescission. This rule contains the bed-hold provisions for NFs. In paragraph (A), definitions that are specific to nursing facility residency have been clarified, and "NF therapeutic leave day" has been added to the terms defined. A new provision at paragraph (B) prohibits preadmission bed-hold payments. Paragraph (D)(4) contains a new provision stating that the number and frequency of bed-hold days used will be considered when evaluating a resident's continuing need for NF care. Paragraph (E) contains new provisions regarding electronic submission of bed-hold payment requests. Paragraph (F)(2)(b) specifies the admission policy for a resident with exhausted bed-hold days in the context of a properly processed prior involuntary discharge. Paragraph (F)(3)(b) clarifies the relationship of self-paid bed-hold payments to third-party bed-hold payments. In paragraph (J)(5), qualified Medicare beneficiary (QMB) eligible residents have been added to the categories of residents for whom NF providers may receive bed-hold payments. Paragraph (L) adds provisions regarding provider compliance with bed-hold restrictions and requirements. The appendix to this rule, "Nursing Facility Bed-Hold Days," has been removed.

Rule 5101:3-3-16.8 Coverage of bed-hold days for medically necessary and other limited absences from intermediate care facilities for the mentally retarded (ICFs-MR) is a new rule being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It replaces rule 5101:3-3-92, which is being proposed for rescission. This rule contains the bed-hold provisions for ICFs-MR. In paragraph (A), definitions that are specific to ICF-MR residency have been clarified, and "ICF-MR therapeutic leave day" has been added to the terms defined. A new provision at paragraph (B) prohibits preadmission bed-hold payments. Paragraph (D)(4) contains a new provision stating that the number and frequency of bed-hold days used will be considered when evaluating a resident's continuing need for ICF-MR care. Paragraph (E)(6)(b) contains a new provision that requires ODJFS to review for approval or disapproval subsequent requests for additional thirty consecutive bed-hold days after the initial request. In paragraph (I)(1),

hospice enrollment has been added as an exclusion. Paragraph (J) adds provisions regarding provider compliance with bed-hold restrictions and requirements.

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

Rule 5101:3-3-59 Coverage of bed-hold days for medically necessary and other limited absences from nursing facilities (NFs) is being proposed for rescission as a result of the five-year rule review and as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. This rule contains the bed-hold provisions for nursing facilities. It is being replaced by new rule 5101:3-3-16.4.

Rule 5101:3-3-92 Coverage of bed-hold days for medically necessary and other limited absences from intermediate care facilities for the mentally retarded (ICFs-MR) is being proposed for rescission as a result of the five-year rule review and a reorganization of rules administered by the Bureau of Long Term Care Facilities. This rule contains the bed-hold provisions for ICFs-MR. It is being replaced by new rule 5101:3-3-16.8.

Copies of the proposed rules are 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, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@odjfs.state.oh.us](mailto:rules@odjfs.state.oh.us).