

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

**DATE:** January 3, 2008  
**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 rescission and adoption of the rules as identified below and of a public hearing thereon.

Rule 5101:3-56-01 entitled Medicaid hospice program definitions is being proposed for rescission in accordance with the five year rule review and is being replaced by a new rule 5101: 3-56-01 with new language regarding hospice definitions. This rule defines terms used in Chapter 5101: 3-56 of the Administrative Code.

Rule 5101:3-56-01 entitled Hospice services: definitions provides definitions forth terms used in the Chapter 5101:3-56 rules. This rule is being proposed for adoption because of the five year rule review and is replacing rule 5101: 3-56-01 and rule 5101: 3-56-04.1 with new language regarding hospice definitions. Definitions new to the hospice chapter include the definition of advance practice nurse, core hospice services, home and community based services waiver, interdisciplinary group, intermediate care facility for the mentally retarded, inpatient facility, licensed occupational therapist, licensed occupational therapy assistant, licensed physical therapist, licensed physical therapy assistant, licensed speech-language pathologist, licensed speech-language pathology aide, medical director, Medicare, non-core hospice services, nursing facility, nursing services, and registered nurse.

Rule 5101:3-56-02 entitled Eligibility for Medicaid hospice services is being proposed for rescission in accordance with the five year rule review. The rule is being replaced by a new rule 5101: 3-56-02, 5101: 3-56-04, 5101: 3-56-05 and 5101: 3-56-06 with new language regarding eligibility, certification, and election requirements for hospice services. This rule defines eligibility and election requirements for all Medicaid consumers, services that consumers enrolled in a home and community based waiver are eligible to receive and how the services are coordinated, and provider specifications.

Rule 5101:3-56-02 entitled Hospice services: eligibility, certification and election requirements sets forth eligibility, certification, and elections requirements the consumer must met to be eligible to enroll in the hospice benefit. This rule is being proposed for adoption because of the five year rule review and replaces rule 5101: 3-56-02, 5101: 3-56-03, 5101: 3-56-3.2, and 5101: 3-56-05. The content of the provisions to this rule have not been changed, but the organization and structure of the rule has changed.

Rule 5101:3-56-03 entitled Election of benefit and enrollment procedures for Medicaid hospice services is being proposed for rescission in accordance with the five year rule review. The rule is being replaced by new rules 5101: 3-56-02, 5101: 3-56-04, and 5101 3-56-05. This rule sets forth election and enrollment procedures, and service and provider requirements for hospice services.

Rule 5101:3-56-03 entitled Hospice services: discharge requirements sets forth the discharge requirements for the consumer termination of the hospice benefit. This rule is being proposed for adoption because of the five year rule review and replaces rules 5101: 3-56-03.1 and 5101: 3-56-03.2. Again, the content of the provisions to this rule have not been changed, but the organization and structure of the rule has changed.

Rule 5101:3-56-03.1 entitled Revocation of Medicaid hospice benefit, change of vital information or designated hospice is being proposed for rescission in accordance with the five year rule review and is being replaced by new rules 5101: 3-56-03 and 5101: 3-56-04. This rule sets the provisions for revocation of the hospice benefit, change of vital information, and change of designated hospice.

Rule 5101:3-56-03.2 entitled Hospice services: third-party coverage and election, revocation and termination of benefit is being proposed for rescission in accordance with the five year rule review and is being replaced by a new rules 5101: 3-56-02, 5101: 3-56-03, 5101: 3-56-05 and 5101: 3-56-06. This rule sets forth election, revocation and termination requirements for consumers with third-party coverage.

Rule 5101:3-56-04 entitled Provider standards and qualifications for Medicaid hospice services is being proposed for rescission in accordance with the five year rule review and is being replaced by a new rule 5101: 3-56-04 and 5101: 3-56-06. This rule sets forth the provisions for standards and qualifications for hospice providers.

Rule 5101:3-56-04 entitled Hospice services: provider requirements defines the criteria a hospice must meet to be eligible to provide services, and requirements a hospice must follow when providing care to a Medicaid consumer. This rule is being proposed for adoption because of the five year rule review and replaces rules 5101:3-56-02, 5101:3-56-03, 5101:3-56-03.1, 5101:3-56-4.2, 5101:3-56-5, 5101:3-56-06. The content of the provisions to this rule have not been changed, but the organization and structure of the rule has changed.

Rule 5101:3-56-04.1 entitled Hospice services: advanced practice nurses is being proposed for rescission in accordance with the five year rule review and is being replaced by a new rule 5101: 3-56-01. This rule sets forth the definition of advanced practice nurses and provides eligibility specifications.

Rule 5101:3-56-04.2 entitled General requirements for eligible providers of hospice services is being proposed for rescission in accordance with the five year rule review and is being replaced by a new rule 5101: 3-56-04. This rule sets forth the requirements for eligible providers of hospice services.

Rule 5101:3-56-05 entitled Reimbursement for coverage of Medicaid hospice services is being proposed for rescission in accordance with the five year rule review and is being replaced by a new rule 5101: 3-56-02, 5101: 3-56-04, 5101:3-56-05. This rule sets forth the provider requirements and covered hospice services.

Rule 5101:3-56-05 entitled Hospice services: covered services sets forth covered hospice services that are provided and professional managed by the hospice agency. The rule outlines coverage for all consumers including those who reside in a nursing facility or ICR-MR and those who are enrolled in a home and community based waiver. This rule is being proposed for adoption because of the five year rule review and replaces rules 5101: 3-56-02, 5101:3-56-03, 5101:3-56-03.2, 5101:3-56-05, 5101:3-56-06, 5101:3-56-06.1, 5101: 3-56-6.2. The content of the provisions to this rule have not been changed, but the organization and structure of the rule has changed.

Rule 5101:3-56-06 entitled Reimbursement procedures for Medicaid hospice services is being proposed for rescission in accordance with the five year rule review and is being replaced by a new rules 5101: 3-56-04 and 5101: 3-56-06. This rule sets forth reimbursement procedures for Medicaid hospice services.

Rule 5101:3-56-06 entitled Hospice services: reimbursement sets for reimbursement specifications for hospice services. This rule is being proposed for adoption because of the five year rule review and replaces rules 5101: 3-56-02, 5101:3-56-03.2, 5101:3-56-04, 5101:3-56-06, 5101:3-56-06.1, 5101: 3-56-6.2. The content of the provisions to this rule have not been changed, but the organization and structure of the rule has changed.

Rule 5101:3-56-06.1 entitled Limitations on reimbursement for inpatient care for Medicaid hospice services is being proposed for rescission in accordance with the five year rule review and is being replaced by new rules 5101: 3-56-04, 5101: 3-56-05 and 5101: 3-56-06. This rule sets forth specifications on the limitation on reimbursement for inpatient care for Medicaid hospice services.

Rule 5101:3-56-06.2 entitled Hospice services: procedure codes is being proposed for rescission in accordance with the five year rule review and is being replaced by new rules 5101: 3-56-05 and 5101: 3-56-06. This rule sets forth the appropriate procedure codes for hospice services.

A copy 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).