

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: May 7, 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 adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Rule 5101:3-3-04, titled "Payment during the Ohio department of job and family services (ODJFS) administrative appeals process for denial or termination of a provider agreement", is being proposed for permanent amendment to correct grammatical errors. This rule sets forth payment for eligible NF and ICF-MR residents during a proposed termination or non-renewal of a facility's provider agreement by ODJFS, and during the appeals process of that proposed action. Payment after termination or non-renewal of a provider agreement, and following an administrative hearing upholding ODJFS' termination or non-renewal action, as well as when ODJFS is acting under instruction from the U.S. Department of Health and Human Services, are also addressed in this rule. The changes to the rule are to correct the department name in the title from "...jobs and family services" to "job and family services", correct the spelling of "pursuant" in Section (A), and change "nonrenewal" to "non-renewal" throughout the rule.

Rule 5101:3-3-04.1, titled "Payment to nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR) during the survey agency's administrative appeals process", is proposed for permanent amendment to correct grammatical errors. This rule sets forth requirements for ODJFS payment of eligible NF and ICF-MR residents during the appeals process for termination or non-renewal of a facility's certification proposed by the State survey agency (Ohio Department of Health). The rule contains information and requirements specific to NFs, specific to ICFs-MR, and common to both NFs and ICFs-MR, including when ODJFS acts under instruction from the U.S. Department of Health and Human Services. Payment after termination or non-renewal of certification, or following an administrative hearing upholding ODH's termination or non-renewal of certification are also addressed. The changes to the rule are to correct the department name in Section (A)(3) from "jobs and family" to "job and family", change "ICF's-MR" in Section (D)(2)(b) to "ICF-MR's", add a colon to the end of the sentence in Section (E), to change "nonrenewal" to "non-renewal" throughout the rule, and to change "nonrenewed" in Section (B) to "not renewed".

A copy of the proposed rules is 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, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@odjfs.state.oh.us.