

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: June 4, 2008
TIME: 10:00 a.m.
LOCATION: Room 421, 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 5101:3-3-17.1 Outlier services in nursing facilities for individuals with severe maladaptive behaviors due to traumatic brain injury (NF-TBI services) contains the provisions for traumatic brain injury outlier services in nursing facilities. This rule is being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It replaces rule 5101:3-3-54.1, which is being proposed for rescission. Changes to the rule include grammatical revisions and reorganization of the rule body for improved comprehension. In paragraph (B), the terms "individual plan (IP)" and "nursing facility (NF)" have been added, the terms "home and community-based services (HCBS)" and "open head injury" have been removed, and the term "outlier prior authorization committee" has been changed to "ODJFS outlier prior authorization committee."

Rule 5101:3-3-17.2 Pediatric outlier services in nursing facilities (NF-PED services) contains the provisions for pediatric outlier services in nursing facilities. This rule is being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It replaces rule 5101:3-3-54.5, which is being proposed for rescission. Changes to the rule include grammatical revisions and reorganization of the rule body for improved comprehension. In paragraph (B), the terms "individual plan (IP)" and "unstable medical condition" have been added, the terms "home and community-based services (HCBS)," "instability of the individual's condition," and "primary diagnosis" have been removed, and the term "outlier prior authorization committee" has been changed to "ODJFS outlier prior authorization committee."

Rule 5101:3-3-17.3 Out-of-state nursing facility (NF) services for individuals with traumatic brain injury (TBI) contains the provisions for out-of-state nursing facility services for individuals with traumatic brain injury. This rule is being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It replaces rule 5101:3-3-17.3 that is being proposed for rescission. Changes to the rule include grammatical revisions and reorganization of the rule body for improved comprehension. In paragraph (B), the term "nursing facility (NF)" has been added, the term "ODJFS out-of-state

TBI designated coordinator" has been removed, and the term "TBI prior authorization committee" has been changed to "ODJFS out-of-state TBI prior authorization committee."

Rule 5101:3-3-17.4 Outlier services for behavioral redirection and medical monitoring (BRMM) for intermediate care facilities for the mentally retarded (ICFs-MR) contains the provisions for behavioral redirection and medical monitoring (BRMM) outlier services in intermediate care facilities for the mentally retarded. This rule is being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It replaces rule 5101:3-3-17.4 that is being proposed for rescission. Changes to the rule include grammatical revisions and reorganization of the rule body for improved comprehension. In paragraph (B), the term "primary diagnosis" has been removed, and the term "outlier prior authorization committee" has been changed to "ODJFS outlier prior authorization committee." All instances throughout the rule of "ICF-MR/DD" have been changed to "ICF-MR."

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

Rule 5101:3-3-17.3 Out-of-state nursing facility (NF) services for individuals with traumatic brain injury (TBI) contains the provisions for out-of-state nursing facility services for individuals with traumatic brain injury. This rule is being proposed for rescission as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It is being replaced by new rule 5101:3-3-17.3.

Rule 5101:3-3-17.4 Outlier services for behavioral redirection and medical monitoring (BRMM) for intermediate care facilities for the mentally retarded/developmentally disabled (ICFs-MR/DD) contains the provisions for behavioral redirection and medical monitoring (BRMM) outlier services in intermediate care facilities for the mentally retarded. This rule is being proposed for rescission as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It is being replaced by new rule 5101:3-3-17.4.

Rule 5101:3-3-54.1 Outlier long-term care services for individuals with severe maladaptive behaviors due to traumatic brain injury (NF-TBI services) contains the provisions for traumatic brain injury outlier services in nursing facilities. This rule is being proposed for rescission as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It is being replaced by new rule 5101:3-3-17.1.

Rule 5101:3-3-54.5 Pediatric outlier care in nursing facilities (NF-PED services) contains the provisions for pediatric outlier services in nursing facilities. This rule is being proposed for rescission as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. It is being replaced by new rule 5101:3-3-17.2.

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