

**LEGAL NOTICE****STATE OF OHIO  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES  
COLUMBUS, OHIO**

PURSUANT TO SECTION 5111.02 AND CHAPTER 119. OF THE REVISED CODE, AND SECTION 1902 (a)(13)(A) OF THE SOCIAL SECURITY ACT, THE DIRECTOR OF THE DEPARTMENT OF JOB AND FAMILY SERVICES GIVES NOTICE OF THE DEPARTMENT'S INTENT TO AMEND RULE 5101:3-3-42 ON A PROPOSED PERMANENT BASIS, AND OF A PUBLIC HEARING UPON THE PROPOSED PERMANENT AMENDMENT.

5101:3-3-42 entitled "Calculation of quarterly and annual nursing facility (NF) average case mix scores" sets forth the calculation of quarterly and annual NF average case mix scores. This rule is being reviewed pursuant to Section 119.032 of the Ohio Revised Code (ORC), which requires the review of all state agency rules within a five-year period.

As a result of this review, this rule is being proposed for permanent amendment to reflect current ODJFS practice. Accordingly, proposed rule language identifies an assigned case mix score as an assigned penalty score. The proposed rule language contains updated rule references and corrects capitalization. References to the agency will be changed from the Ohio Department of Human Services (ODHS) to the Ohio Department of Job and Family Services (ODJFS) to reflect the agency name change. Since the proposed changes reflect minor clarifications to the rule the department estimates this adoption will have no impact on Medicaid expenditures on an annual aggregate basis, and the department estimates there will be no impact on payment rates.

A copy of the proposed rule is available for review in each county department of Job and Family Services. A copy of the rule is also available, without charge, at the address listed below and on the Internet at: <http://www.state.oh.us/odjfs/0002InfoCenter.stm> and selecting Rule Publications, Proposed Rule Number 5101:3-3-42.

A public hearing on the proposed rule will be held on Wednesday, November 20, 2002 at 9:30 a.m. in room 1823, 30 East Broad Street, Columbus, Ohio. Either written or verbal testimony on the proposed rule will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than [insert the same date as the hearing] will be treated as testimony.

Requests for a copy of the proposed rule or the written comments on the proposed rule should be submitted by mail to the "Office of Legal Services, Ohio Department of Job and Family Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414", by fax at (614) 752-8298, or by e-mail at "[legal@odjfs.state.oh.us](mailto:legal@odjfs.state.oh.us)". Written comments received by ODJFS may be reviewed at the address listed above.