

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: May 18, 2009
TIME: 10:00 a.m.
LOCATION: Multi-Purpose Room, First Floor, Rhodes State Office Tower,
30 East Broad St., Columbus, Ohio 43215

Pursuant to Sections 5111.02, 5111.16, 5111.162, 5111.17, and 5111.176, and Chapter 119. of the Ohio Revised Code (ORC), the director of the Ohio Department of Job and Family Services (ODJFS) gives notice of the department's intent to consider the amendment or rescission of the rules identified below and of a public hearing thereon.

The effective date for the proposed rule changes is July 1, 2009.

The rules identified below are being proposed for amendment or rescission in order to revise a definition, update and clarify provisions, update cross-references, and to terminate a prenatal screening program for certain managed care plan members.

Rule 5101:3-26-01, entitled Managed health care programs: definitions, is being proposed for amendment. This rule sets forth definitions for managed health care programs. The changes to the rule revise the definition of 'intermediate care facility for the mentally retarded,' update cross-references, and make grammatical corrections.

Rule 5101:3-26-02, entitled Managed health care programs: eligibility, membership and automatic renewal of membership, is being proposed for amendment. This rule sets forth provisions and conditions for eligibility, membership, and automatic renewal of membership in managed health care programs. The changes to the rule revise the definition of an 'eligible individual;' replace the word 'membership' with the word 'enrollment;' revise provisions applicable to MCP enrollment, newborn notification and membership, and commencement of coverage; and update internal cross references.

Rule 5101:3-26-02.1, entitled Managed health care programs: termination of membership, is being proposed for amendment. This rule sets forth provisions for the termination of membership in managed health care programs. The changes to the rule revise provisions for automatic termination of coverage when a member is placed in a nursing facility, revise the timeframes for MCP member-initiated change requests or terminations, and update cross references.

Rule 5101:3-26-03, entitled Managed health care programs: covered services, is being proposed for amendment. This rule sets forth the services that managed care plans are required to provide to Medicaid managed care consumers. The changes to the rule revise MCP responsibilities for the payment of non-emergent emergency services provided by non-contracting hospitals, and clarify MCP responsibilities for the payment of services provided through Medicaid School Program (MSP) providers.

Rule 5101:3-26-03.1, entitled Managed health care programs: care coordination, is being proposed for amendment. This rule sets forth managed care plan and primary care physician care coordination responsibilities. The changes to the rule clarify MCP care coordination responsibilities and revise requirements for MCP care management programs.

Rule 5101:3-26-04, entitled Managed health care programs: procurement and plan selection, is being proposed for amendment. This rule sets forth provisions for ODJFS managed care plan procurement and plan selection. The changes to the rule delete the word 'separate' in reference to ODJFS procurement processes.

Rule 5101:3-26-05, entitled Managed health care programs: provider panel and subcontracting requirements, is being proposed for amendment. This rule sets forth requirements for managed care plan provider panels and subcontracts. The changes to the rule remove the requirement that an MCP obtain ODJFS prior-approval of the MCP's panel providers, and update a cross reference.

Rule 5101:3-26-08.1, entitled Managed health care programs: information and selection services, is being proposed for amendment. This rule sets forth the conditions under which ODJFS may provide information and selection services to eligible individuals. The changes to the rule replace the word 'selection' with the word 'enrollment.'

Rule 5101:3-26-08.2, entitled Managed health care programs: member services, is being proposed for amendment. This rule sets forth requirements for managed care plan member services programs and member materials. The changes to the rule revise requirements for MCP member materials (identification cards, letters, and handbooks) and the issuance of MCP provider directories, and update internal cross references.

Rule 5101:3-26-08.4, entitled Managed health care programs: MCP grievance system, is being proposed for amendment. This rule sets forth requirements for a managed care plan grievance system. The changes to the rule revise requirements for MCP notification to members of their right to a state hearing, and update cross references to JFS state hearing forms.

Rule 5101:3-26-08.5, entitled Managed health care programs: responsibilities for state hearings, is being proposed for amendment. This rule sets forth managed care plan responsibilities for compliance with applicable state hearing provisions. The changes to the rule revise procedures for members to follow in requesting a state hearing and revise MCP responsibilities upon being notified that a member has requested a state hearing.

Rule 5101:3-26-12, entitled Managed health care programs: member co-payments, is being proposed for amendment. This rule sets forth provisions for managed care plan member co-payments. The changes to the rule revise the family planning exclusion language for the member co-payment program for consistency with federal language, and update cross references.

Rule 5101:3-30-05, entitled Substance abuse, clinical assessment, and treatment procedures for alcohol and other drug addiction medicaid providers in mandatory managed care counties, is being proposed for rescission. This rule sets forth provisions for a prenatal screening program for certain managed care plan members. The rule is being rescinded because the legislative authority for the prenatal screening program has expired.

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@jfs.ohio.gov.