

LEGAL NOTICE

STATE OF OHIO
DEPARTMENT OF JOB AND FAMILY SERVICES

Pursuant to Section 5111.02 and Chapter 119. of the Ohio Revised Code the Director of the Department of Job and Family Services gives notice of the department's intent to amend rules 5101:3-26-01, 5101:3-26-02.1, 5101:3-26-04, 5101:3-26-05, 5101:3-26-07, 5101:3-26-08, 5101:3-26-08.1, 5101: 3-26-08.2, 5101: 3-26-09.1, 5101: 3-26-10, and 5101: 3-26-11; to rescind and adopt as new rules 5101: 3-26-02, 5101: 3-26-03, 5101: 3-26-3.1, 5101: 3-26-06, 5101: 3-26-07.1, 5101: 3-26-08.3, and 5101: 3-26-09; and to add new rules 5101: 3-26-05.1, 5101: 3-26-08.4, and 5101: 3-26-08.5 on a permanent basis and of a public hearing.

Rule 5101:3-26-01 entitled "Managed health care programs: Definitions" is being amended to update terms, add new ones, and to remove unnecessary definitions.

Rule 5101:3-26-02 entitled "Managed health care programs: Eligibility, enrollment and automatic reenrollment" is being rescinded and adopted as new to include applicable Balanced Budget Act (BBA) requirements and to revise language dealing with commencement of coverage.

Rule 5101:3-26-02.1 entitled "Managed health care programs: Disenrollment" is being amended to include applicable BBA language and to include level of care and waiver language previously found in another rule.

Rule 5101:3-26-03 entitled "Managed health care programs: Covered services" is being rescinded and adopted as new to incorporate federally-required covered-services provisions of the BBA, delete an obsolete requirement, and to move several requirements to other rules in this Chapter.

Rule 5101: 3-26-03.1 entitled "Managed health care programs: Care Coordination" is being rescinded and adopted as new to include federal requirements specified in the BBA and revised language concerning care coordination related issues.

Rule 5101:3-26-04 entitled "Managed health care programs: Eligible MCP providers" is being amended to more specifically differentiate between currently-contracting MCPs and entities wishing to receive an MCP contract from the Ohio Department of Job and Family Services (ODJFS).

Rule 5101:3-26-05 entitled "Managed health care programs: Provider panel and subcontracting requirements" is being amended to clarify current requirements and to include federal requirements specified under the structure and operation standards, information requirements, provider discrimination, provider-enrollee communications, and availability of services sections of the BBA.

Rule 5101: 3-26-05.1 entitled “Managed health care programs: Provider services” is a new rule which has been developed to implement a number of federally-required provisions of the BBA specific to information and services that MCPs must provide to their contracting providers, and to incorporate requirements previously contained in other rules in the Chapter.

Rule 5101: 3-26-06 entitled “Managed health care programs: Program Integrity - fraud and abuse, audits, reporting, and record retention” is being rescinded and adopted as new due to the substantial revisions made to this rule. The rule was reorganized and revised to include new language on fraud and abuse, as required by BBA, and also includes revision to the reporting requirement language.

Rule 5101:3-26-07 entitled “Managed health care programs: Annual external quality review survey” is being amended to include federal requirements specified in the BBA.

Rule 5101: 3-26-07.1 entitled “Managed health care programs: Quality Assessment and Performance Improvement Program” is being rescinded and adopted as new to include federal requirements specified in the BBA.

Rule 5101:3-26-08 entitled “Managed health care programs: Marketing” is being amended to update terms and include federal requirements specified under the marketing activities and information requirements sections of the BBA.

Rule 5101:3-26-08.1 entitled “Managed health care programs: Enrollment and information services” is being revised to insert clarifying language.

Rule 5101: 3-26-08.2 entitled “Managed health care programs: Member services” is being amended to update terms, include federal requirements specified under the information requirements section of the BBA, and include certain requirements previously covered under commencement of coverage in rule 5101: 3-26-02 of the Administrative Code.

Rule 5101: 3-26-08.3 entitled “Managed health care programs: Member rights” is being rescinded and adopted as new to separate the list of member rights from the MCP grievance process. The new rule includes the applicable federal requirements specified in the BBA and revises language addressing MCPs and the state hearing process.

Rule 5101: 3-26-08.4 entitled “Managed health care programs: MCP grievance system” is a new rule that outlines the federal requirements specified under the grievance system section of the BBA for MCPs to have a grievance system that includes an appeals process, a grievance process, and a process to access the state’s hearing system.

Rule 5101: 3-26-08.5 entitled “Managed health care programs: Responsibilities for state hearings” is a new rule that includes in the managed care rules the responsibilities identified in Division 5101: 6 of the Administrative Code regarding the forms the MCP must utilize for state hearings.

Rule 5101: 3-26-09 entitled "Managed health care programs: Reimbursement and financial responsibility" is being amended in order to consolidate all the financial related language into one rule.

Rule 5101: 3-26-09.1 entitled "Managed health care programs: Third party recovery" is being amended to correct a couple of typographical errors.

Rule 5101: 3-26-10 entitled "Managed health care programs: Sanctions and provider agreement actions" is being amended to incorporate federally-required sanction provisions of the BBA.

Rule 5101: 3-26-11 entitled "Managed health care programs: MCP non-contracting providers" is being amended to incorporate the definition of an MCP non-contracting provider which previously was only found in rule 5101: 3-26-01 of the Administrative Code.

A copy of these proposed rules is available without charge to any person at the address listed below. A public hearing on this rule will be held on May 20, 2003, at 10:00 a.m. in Room 1814 at 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 midnight on May 20, 2003, will be treated as testimony.

Requests for a copy of the proposed rule or comments on it should be submitted by mail to "Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43266-0423," by fax at (614) 752-8298, or by e-mail at public_records@odhs.state.oh.us or at the following internet address: <http://www.state.oh.us/odhs/legal/index.htm>.