

LEGAL NOTICE
STATE OF OHIO
DEPARTMENT OF JOB AND FAMILY SERVICES

PURSUANT TO SECTIONS 5111.02 AND CHAPTER 119. OF THE OHIO REVISED CODE AND 42 CFR 447.205 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 DEPARTMENTS INTENT TO AMEND RULES 5101:3-2-02, 5101:3-2-03, 5101:3-2-21, AND 5101:3-2-42 ON A PERMANENT BASIS, AND OF A PUBLIC HEARING THEREON.

Rule 5101:3-2-02 entitled General Provisions: hospital services describes general provisions related to hospital services provided to Medicaid consumers. This rule is being proposed to make amendments required by the Health Insurance Portability and Accountability Act (HIPAA), and to make other technical changes. The department estimates this amendment will have no budgetary impact on the Medicaid program, and it does not change reimbursement methodologies.

Rule 5101:3-2-03 entitled Conditions and limitations describes the conditions and limitations applicable to inpatient and outpatient hospital services rendered to Medicaid consumers. This rule is being proposed to make amendments required by HIPAA, and to make other technical changes. The department estimates this amendment will have no budgetary impact on the Medicaid program, and it does not change reimbursement methodologies.

Rule 5101:3-2-21 entitled Policies for outpatient hospital services describes the methodology used to pay for outpatient hospital services. This rule is being proposed to make changes needed to comply with HIPAA Administrative Simplification provisions. The department estimates this amendment will have no budgetary impact on the Medicaid program, and it does not change reimbursement methodologies.

Rule 5101:3-2-42 entitled Reimbursement for elective care subject to pre-certification review describes the pre-certification policy, including the policy that permits hospitals to re-bill the department on an outpatient basis for certain services provided during an inpatient stay that was denied for medical necessity. This rule is being proposed for amendment to discontinue allowing hospitals the option to re-bill, on an outpatient basis, certain services provided during an inpatient stay that was denied for medical necessity. The department estimates the proposed rule may decrease payments to hospitals by approximately \$437,000, if hospitals provide care in the inpatient setting inappropriately. However, for hospital services that are provided in the appropriate medical setting, this amendment will have no impact on reimbursement, as providers will continue to receive reimbursement for medically necessary services.

A copy of the proposed rules is available for review at <http://www.state.oh.us/odjfs/legal>, in each County Department of Job & Family Services, and on the Internet in the Ohio Register at <http://www.registerofohio.state.oh.us> and is available without charge to any person at the address listed below. A public hearing on these rules will be held on August 15, 2003 at 10:30 a.m. in room 1865, 30 E. Broad Street, Columbus, Ohio. Either written or verbal testimony on the proposed rules will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the hearing will be treated as testimony.

Requests for a copy of the proposed rule or comments on them 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 43215-3414,

by fax at (614) 752-8298, or by e-mail at legal@odjfs.state.oh.us. Written comments may be reviewed at the department at the address listed above.