

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: February 10, 2014
TIME: 11:00 A.M.
LOCATION: Ohio Department of Medicaid, 50 West Town Street,
Room A401, Columbus, Ohio 43218

Pursuant to Section 5166.02 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Medicaid (ODM) gives notice of the department's intent to consider the adoption and recession of the rules as identified below and of a public hearing thereon.

Rule 5160-45-05, entitled ODJFS-administered Waiver Program: Consumer Incident Management, Investigation and Response System (IMIRS), is being proposed for rescission as a result of five-year rule review. This rule sets for the standards and procedures for operating the IMRS for ODM-administered waivers. The rule applies to ODM and ODM-administered waiver service providers. ODM may designate other agencies or entities to perform one or more investigatory functions set forth in this rule. It is being replaced with a new OAC rule 5160-45-05.

Rule 5160-45-05, entitled Ohio Department of Medicaid (ODM) –administered Waiver Program: Incident Management System, is being proposed for adoption as a result of five-year rule review. It is replacing existing OAC rule 5160-45-05 which is being rescinded. Pursuant to OAC rule 5160-45-05, ODM shall operate an "incident management system" that applies to ODM, its designees, service providers and individuals who are enrolled on an ODM-administered waiver or who otherwise participate in ODM-administered programs. This incident management system includes responsibilities for reporting, responding to, investigating and remediating incidents involving individuals. The rule sets forth the standards and procedures for operating that system, and it applies to ODM, its designees, individuals and providers. ODM has the authority to designate other agencies or entities to perform one or more of the incident management functions set forth in this rule. Pursuant to the rule, ODM and its designees must assure the health and welfare of individuals enrolled on an ODM-administered waiver. Further, ODM, its designees and providers are responsible for ensuring that individuals are protected from abuse, neglect, exploitation and other threats to their health, safety and well-being. Individuals shall receive a handbook at the time of waiver enrollment and at reassessment that includes information about how to report abuse, neglect, exploitation and other incidents. The rule sets forth those activities that are considered an incident and/or an alert in the ODM-administered waiver program. It also sets forth incident reporter responsibilities including identification of those incidents that must be reported immediately, as well as case manager responsibilities upon learning of an incident, including ensuring the individual's health and welfare, and ODM and its designee's responsibilities including incident investigation and follow-up.

Rule 5160-45-09, entitled ODJFS-administered Waivers: Quality Assurance Monitoring and Oversight of ODJFS-administered Waiver Service Providers and the Contracted Case Management Agency, is being proposed for rescission as a result of five-year rule review. This rule sets forth quality assurance monitoring and oversight policies and practices related to ODM-administered waiver programs. It is being replaced with a new OAC rule 5160-45-09.

Rule 5160-45-09, entitled ODM-administered Waiver Program: Program Compliance, Monitoring and Oversight of ODM-administered Waiver Service Providers and ODM-administered Waiver Program Contractors, is being proposed for adoption as a result of five-year rule review. It replaces existing OAC rule 5160-45-09 which is being rescinded. This rule establishes guidelines for monitoring and oversight to be conducted by ODM and its designees, including the State's provider oversight contractor. It also establishes requirements with which providers and contractors must comply as part of the monitoring and oversight process. It also gives ODM sanctioning and enforcement authority.

A copy of the proposed rule 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 Medicaid, Office of Legal Counsel, 50 West Town Street, 4th Floor, Columbus, Ohio 43218, by fax at (614) 752-3986, or by e-mail at rules@medicaid.ohio.gov.