

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: June 19, 2014
TIME: 1:00 p.m.
LOCATION: Room A401 Lazarus Building, 50 West Town Street
Columbus, Ohio 43215

Pursuant to section 5165.02 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Medicaid gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Proposed for Rescission

Rule 5160-3-16, entitled "Resident rights for nursing facilities (NFs)" sets forth the general resident rights provisions for nursing facilities. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for rescission because the provisions in it are contained in the Ohio Revised Code, the Ohio Administrative Code, or the Code of Federal Regulations.

Rule 5160-3-17.2, entitled "Pediatric outlier services in nursing facilities (NF-PED services)" sets forth the provisions for pediatric outlier services in nursing facilities. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for rescission because the Department is discontinuing the NF-PED program as no Medicaid payments for the provision of NF-PED services have been made since December 29, 2009, and no nursing facility providers have expressed interest to the Department in furnishing NF-PED services since that time.

Rule 5160-3-42.2, entitled "Nursing facilities (NFs): leased staff" sets forth the provisions for staff leasing arrangements in nursing facilities. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for rescission because it became obsolete due to elimination of the purchased nursing services disallowance when the nursing facility payment methodology for state fiscal year 2007 and beyond was modified to implement changes in Amended Substitute House Bill 66 of the 126th General Assembly.

Rule 5160-3-58, entitled "Quality incentive payment for nursing facilities (NFs)" sets forth the quality incentive criteria applicable to nursing facilities for state fiscal years 2012 and 2013, and the methodology used to calculate nursing facility quality incentive payments for state fiscal years 2012 and 2013. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for rescission because the provisions in it are obsolete. There is no proposal for a new rule to replace this rule because provisions contained in section 5165.25 of the Revised Code adopted under Senate Bill 264 of the 129th General Assembly and under Amended Substitute House Bill 59 of the 130th General Assembly now govern the NF quality incentive payment program for SFY 2014 and beyond.

Copies of the proposed rules are available at the address listed below, without charge, to any person affected by the rules and at the county departments of job and family services. The proposed 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 W. Town Street, Suite 400, Columbus, Ohio 43215, by fax at (614) 995-1301, or by e-mail at rules@medicaid.ohio.gov.