

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: August 18, 2014
TIME: 10:30 a.m.
LOCATION: Room A401, 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 Amendment

Rule 5160-3-06.1, entitled "Institutions for mental diseases (IMDs)" sets forth the process by which the Ohio Department of Medicaid identifies nursing facilities that are at risk of becoming institutions for mental diseases (IMDs), the preventative measures to be taken by the Department when at risk facilities are identified, and the course of action to be taken by the Department if a nursing facility is determined to be an IMD. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for amendment. The changes to the rule are:

- In paragraph (A), the age for individuals for whom federal financial participation (FFP) is available for inpatient psychiatric hospital services is being changed from "under age twenty-two" to "under age twenty-one and in certain circumstances under age twenty-two" in order to accurately reflect the provision in Section 1905(a)(16) of the Social Security Act.
- In paragraph (B)(3), the reference to the International Classification of Diseases (ICD) publication is being updated as part of the Department of Medicaid's implementation of ICD-10 medical coding, which was mandated by federal regulations issued in 2009 by the U.S. Department of Health and Human Services (HHS) for all entities covered by the Health Insurance Portability and Accountability Act (HIPAA). The name of the publication is being updated from "International Classification of Diseases, Ninth Edition, Modified for Clinical Applications" (ICD-9-CM) to "International Classification of Diseases, Tenth Revision, Clinical Modification," and the website where the publication is available is being added.
- Ohio Revised Code citations are being updated because Am. Sub. HB 59 of the 130th General Assembly created the Ohio Department of Medicaid, and subsequently relocated and reorganized many Revised Code provisions governing the Medicaid program.
- Ohio Administrative Code references are being updated due to the creation of the Ohio Department of Medicaid by Am. Sub. HB 59 of the 130th General Assembly and the subsequent renumbering of rules by the Legislative Services Commission.
- The Department's name is being updated from the Ohio Department of Job and Family Services (ODJFS) to the Ohio Department of Medicaid (ODM).
- The name of the Ohio Department of Mental Health and Addiction Services (ODHAS) is being updated from the Ohio Department of Mental Health (ODMH).

- In paragraph (C)(2)(b)(ii), the name of the Joint Commission is being updated from the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO).
- In paragraph (D)(3)(c), a reference to the County Department of Human Services is being updated to County Department of Job and Family Services (CDJFS), and a CDJFS reference is being corrected in paragraph (E)(1)(b).

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.