

**FEDERAL MEDICAID NOTICE AND PUBLIC HEARING
NOTICE OHIO DEPARTMENT OF MEDICAID**

DATE: 1/12/15
TIME: 11:00 AM
LOCATION: Room A401, Lazarus Building, Ohio Department of Medicaid
50 West Town St., Columbus, Ohio 43215

Pursuant to section 5164.02 of the Ohio Revised Code (ORC), Chapter 119 of the ORC, and 42 CFR 447.205, the Director of the Department of Medicaid gives notice of the Department's intent to consider the rescission and adoption of the rule identified below and of a public hearing thereon.

Rule 5160-1-01, "Medicaid: medical necessity," is being rescinded as part of five-year rule review.

Rule 5160-1-01, "Medicaid medical necessity: definitions and principles," is being created to update Medicaid policy and in accordance with five-year rule review. Rule 5160-1-01 establishes definitions for medical necessity and establishes under what conditions medical necessity is met.

Changes from the rescinded version of 5160-1-01 to the new and updated version of 5160-1-01 include the following: establishing the rule as a definition rule and not a coverage rule; removing coverage policy for preventive services (a new rule will be established that describes ODM's coverage policy for preventive services); creating a new definition of medical necessity for individuals covered by EPSDT; revising the definition of medical necessity to create a scope of applicability termed "adverse health condition;" creating a new condition for medical necessity, describing who must be the primary beneficiary of the service; clarifying that a service delivered by a physician or other practitioner does not, in and of itself, mean that the service is medically necessary and eligible for payment; and clarifying that implementing criterion for medical necessity may be described under other Medicaid coverage rules.

The Department estimates that there is no discernable fiscal impact resulting from these changes.

A copy of the proposed rule is available, without charge, to any person affected by the rule at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule 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 Rule Administrator, Office of Legal

Counsel, 50 West Town Street, Suite 400, Columbus, Ohio 43215, by fax at (614) 995-1301, or by e-mail at rules@medicaid.ohio.gov.