

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

DATE: January 20, 2014
TIME: 10:00 A.M.
LOCATION: Lazarus Building, 50 W. Town St.,
Room B401, Columbus, Ohio 43215-3414

Pursuant to section 5164.02 and Chapter 119. of the Ohio Revised Code, and 42 C.F.R. 447.205, the director of the Ohio Department of Medicaid gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon. It is estimated that changes to these rules will have no effect on the annual aggregate Medicaid expenditures.

Proposed for Amendment

Rule 5160-56-01, entitled "Hospice services: definitions" defines terms used in the rules governing the Medicaid hospice program as set forth in Chapter 5160-56 of the Administrative Code. 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:

- The term "consumer" is being changed to "individual" throughout the rule.
- The terms "advance practice nurse" and "certified nurse specialist" are being changed to "advanced practice registered nurse" and "clinical nurse specialist" to be consistent with the terminology used in Chapter 4723. of the Revised Code.
- In the second opening paragraph, a paragraph reference is being corrected from (GG) to (HH).
- 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 Developmental Disabilities (DODD) is being updated from the Ohio Department of Mental Retardation and Developmental Disabilities (ODMRDD).
- References to an intermediate care facility for the mentally retarded or an ICF-MR are being changed to intermediate care facility for individuals with intellectual disabilities or ICF-IID.
- A reference to the Social Security Act in paragraph (J) is being clarified, and dates are being added to that reference and other references to the Social Security Act throughout the rule.
- In paragraph (M), a reference to the Code of Federal Regulations (C.F.R.) is being corrected from 42 C.F.R. 418.68 to 42 C.F.R. 418.56, and the revision date is being updated.

Rule 5160-56-02, entitled "Hospice services: eligibility and election requirements" sets forth the criteria that must be met for a consumer to be eligible to enroll in the Medicaid hospice benefit. 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:

- The term "consumer" is being changed to "individual" throughout the rule.
- 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.
- In paragraph (A)(7), language is being changed so that individuals enrolled in hospice may be enrolled concurrently on a home and community based services (HCBS) waiver.

Rule 5160-56-03, entitled "Hospice services: discharge requirements" sets forth the provisions for a consumer to terminate hospice services, to revoke election of hospice services, and to transfer to another hospice. 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:

- The term "consumer" is being changed to "individual" throughout the rule.
- In paragraph (A)(2), language is being added to clarify that the written statement of discharge must state the reason for discharge except when the patient expires.
- In paragraph (B)(1), language is being changed so that, after revocation of the Medicaid hospice benefit, an individual may choose to re-elect the hospice benefit at any time rather than forfeiting any rights to re-election for the remaining days in the revoked benefit period.
- The Department's name is being updated from ODJFS to the Ohio Department of Medicaid (ODM).

Rule 5160-56-03.3, entitled "Hospice services: reporting requirements" sets forth the requirements for recording hospice spans and certification information using the telephone-based Interactive Voice Response (IVR) system. 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:

- The term "consumer" is being changed to "individual" throughout the rule.
- 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.

Rule 5160-56-04, entitled "Hospice services: provider requirements" sets forth the requirements a hospice provider must meet to be eligible to provide Medicaid hospice services. 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:

- The term "consumer" is being changed to "individual" throughout the rule.
- 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.

- Revision dates to references to the Code of Federal Regulation (C.F.R.) are being updated.
- References to an intermediate care facility for the mentally retarded or an ICF-MR are being changed to intermediate care facility for individuals with intellectual disabilities or ICF-IID.
- Typographical errors are being corrected, and other non-substantive revisions are being made to enhance clarity.

Rule 5160-56-05, entitled "Hospice services: covered services" sets forth the services that are covered by the Medicaid hospice program. 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:

- The term "consumer" is being changed to "individual" throughout the rule.
- The first three opening paragraphs are being moved to new paragraphs (A), (B), and (C) in order to comply with rule writing guidelines of the Ohio Legislative Service Commission, and paragraph references within the rule are being updated accordingly.
- In new paragraph (A), a cross reference is being added to rule 5160-56-04 of the Administrative Code for purposes of clarification.
- In new paragraph (B), acronyms are being spelled out in order to comply with rule writing guidelines of the Ohio Legislative Service Commission.
- References to an intermediate care facility for the mentally retarded or an ICF-MR are being changed to intermediate care facility for individuals with intellectual disabilities or ICF-IID.
- An Ohio Administrative Code reference is 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.

Rule 5160-56-06, entitled "Hospice services: reimbursement" sets forth the reimbursement provisions for providers of Medicaid hospice services. 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:

- The term "consumer" is being changed to "individual" throughout the rule.
- The Department's name is being updated from ODJFS to the Ohio Department of Medicaid (ODM).
- Revision dates to references to the Code of Federal Regulations (C.F.R.) are being updated.
- 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.
- In paragraph (C), acronyms are being spelled out in order to comply with rule writing guidelines of the Ohio Legislative Service Commission.
- References to an intermediate care facility for the mentally retarded or an ICF-MR are being changed to intermediate care facility for individuals with intellectual disabilities or ICF-IID.

- In paragraph (G), the revision date of a reference to a Section of the Social Security Act is being updated.

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. Both written and 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 and testimony on the rules should be submitted by mail to the Ohio Department of Medicaid Rule Administrator, Office of Chief Legal Counsel, 50 W. Town St, Fourth Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-3986, or by e-mail at Rules@Medicaid.Ohio.gov. Testimony received may be reviewed at this address.