

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: January 26, 2015
TIME: 2:30 p.m.
LOCATION: 50 West Town Street, Fourth Floor, Room A401
Columbus, Ohio 43218

Pursuant to sections 5162.03, 5164.02 and 5166.02 and Chapter 119 of the Ohio Revised Code, the director of the Department of Medicaid (ODM) gives notice of the department's intent to consider the rescission and adoption of the rules as identified below and of a public hearing thereon.

Rule 5160-45-03, entitled "ODJFS-administered waiver program: consumer choice and control" is being proposed for rescission pursuant to five-year rule review. This rule describes the ways in which an individual enrolled on an ODM-administered waiver has choice and control over the arrangement and direction of his or her home and community-based waiver services, and the selection and control over the direction of the providers of those services. For example, the individual and/or authorized representative shall: decide who, besides themselves, shall participate in the development of the all services plan and all plans of care; communicate to providers personal preferences about duties, tasks and procedures to be performed; work with the case management agency and providers to identify and secure additional training to meet the individual's specific needs; and participate in the recruitment, selection and dismissal of providers. The rule also sets forth case management requirements that must be met in order to assure the individual's health and welfare while exercising his or her right to choice and control. It is being replaced by new OAC Rule 5160-45-03.

Rule 5160-45-03, entitled "Ohio department of Medicaid (ODM) –administered program: individual rights and responsibilities" is being proposed for adoption pursuant to five-year rule review and to replace current OAC rule 5160-45-03. This rule sets forth the rights and responsibilities of individuals enrolled on an ODM-administered waiver program. This rule offers the same opportunities for choice and control of provider as the rule it replaces, and holistically, offers more clarity regarding an individual's rights and responsibilities under the ODM-administered waiver program. For example, an individual has the right to: (a) be treated with dignity and respect; (b) be protected from abuse, neglect, exploitation and other threats to personal health, safety and well-being; (c) appoint an authorized representative to act on his or her behalf; (d) receive waiver services in a person-centered manner that maximizes personal independence; (e) choose his or her case management agency and case managers, and receive the full range of assistance and support from those entities as set forth in this rule; (f) make informed

choices regarding the services and supports he or she receives, and from whom; (g) obtain the results of any criminal records checks about current providers or provider applicants; (h) be assured confidentiality; and (i) be informed about the right to appeal decisions. Additionally, upon enrollment in an ODM-administered waiver, the individual must sign an ODM-administered waiver agreement accepting certain responsibilities including, but not limited to the following: (a) participate in, and cooperate during assessments to determine eligibility and enrollment in the waiver and service needs; (b) decide who, besides the case manager, will participate in the service planning process; (c) participate in, and cooperate with, the case manager and team in the development and implementation of all services plans and plans of care; (d) participate in the recruitment, selection and dismissal of his or her providers; (e) participate in the development and maintenance of back-up plans that meet the needs of the individual; (f) work with the case manager and/or physician and the provider to identify and secure additional training within the provider's scope of practice in order to meet the individual's specific needs; (g) validate service delivery; (h) utilize services in accordance with the approved all services plan; and (i) communicate personal preferences about duties, tasks and procedures to be performed. If the individual fails to uphold the responsibilities set forth in this rule, or the health and welfare of an individual receiving services from a non-agency provider cannot be assured, then the individual may be required to receive services from only agency providers. The individual will be afforded notice and hearing rights.

A copy of each of the proposed rules is available at the address listed below and without charge, to any person affected by the rules and at the county department 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 West Town Street, 4th Floor, Columbus, Ohio 43218, by fax at (614) 752-3986, or by e-mail at rules@medicaid.ohio.gov. Comments received may be reviewed upon request.