

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: March 28, 2016
TIME: 11:00 a.m.
LOCATION: Room A501, Lazarus Government Center
50 West Town Street, Columbus, OH 43215

Pursuant to section 5164.02 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 amendment, rescission, or adoption of the rules identified below and to hold a public hearing on these rules.

Rule 5160-4-28, "Noncovered services," sets forth a categorical list of services for which Medicaid makes no payment. As a result of the five-year review performed pursuant to sections 106.03 and 106.031 of the Ohio Revised Code, this rule is rescinded and replaced with a new rule located in Chapter 5160-1 of the Ohio Administrative Code (general Medicaid provisions).

New rule 5160-1-61, "Non-covered services," sets forth a categorical list of services for which Medicaid makes no payment. The body of this rule, which replaces existing rule 5160-4-28, has been reorganized, streamlined, and updated.

Several items no longer appear on the list:

- 'Services of a preventive nature except preventive medicine services listed in rule [5160]-4-34 of the Administrative Code' has been removed because preventive services have long been covered as evaluation and management services.
- 'Treatment of obesity, including but not limited to gastroplasty, gastric stapling, ileo-jejunal shunt, or other gastric restrictive procedures' has been removed because the surgical treatment of obesity can be covered with prior authorization.
- 'Services determined by another third-party payer or Medicare as not medically necessary' has been removed in response to guidance from the Centers for Medicare and Medicaid Services (CMS).
- Other items (e.g., paternity testing, patient convenience items) have been removed because they are addressed elsewhere in Medicaid rules.

An exception to the non-coverage policy is spelled out: Coverage extends to a medically necessary, non-experimental service provided to an individual who has received a non-covered service (performed for experimental treatment, research, or clinical trial) if the need for the medically necessary, non-experimental service did not arise solely because of the non-covered service.

New rule 5160-4-28, "Relocated provisions concerning non-covered services," is a placeholder rule that simply cites new rule 5160-1-61; it serves to ensure that existing references to rule 5160-4-28 remain functional until they can be updated.

The public hearing will be held at the date, time, and location listed at the top of this notice. Both written and oral testimony will be accepted at the public hearing, and written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Any person affected by these rules may examine them and obtain a copy, without charge, at the following locations:

Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, Ohio 43215;

Any county department of job and family services; or

On the internet at <http://www.registerofohio.state.oh.us>.

A copy of the proposed rules may be requested, and testimony on the rules may be submitted, in any of the following ways:

By mail to the Rule Administrator, Office of Chief Legal Counsel, Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, OH 43215;

By fax to (614) 995-1301; or

By e-mail to rules@medicaid.ohio.gov.

Testimony on the proposed rules may also be reviewed at the Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, Ohio 43215.