

LEGAL NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: April 18, 2016
TIME: 11:00 AM
LOCATION: Room A501, Lazarus Building
50 W. Town St., Columbus, Ohio 43215

Pursuant to section 5168.02, Chapter 119 of the Ohio Revised Code, 42 CFR 447.205 and section 1902(a)(13)(A) of the Social Security Act, the Director of the Ohio Department of Medicaid gives notice of the Department's intent to amend rules 5160-2-08, 5160-2-08.1, 5160-2-09 and of a public hearing thereon.

Rule 5160-2-08, entitled Data policies for disproportionate share and indigent care adjustments for hospital services, sets forth the data set used to calculate disproportionate share and indigent care assessments and adjustments and the applicable data policies for each program year. This rule is being amended to extend the timeframe hospitals have to submit data corrections and allow notification of uncompensated care data to be provided to hospitals electronically. These changes automate and improve the efficiency of the data notification and correction processes. The rule is also being amended to remove references to the Legislative Budget Services Fund which was abolished by the Ohio General Assembly. The amended rule will also correct paragraph references that were contained in the previous rule and specific line references to the ODM 02930 'Ohio Medicaid Hospital Cost Report' to coincide with other changes made to the rule and report. This rule will have no effect on annual aggregate expenditures.

Rule 5160-2-08.1, entitled Assessment rates, sets forth the assessment rates for the Hospital Care Assurance Program (HCAP). This rule is being amended to establish the assessment rates for the HCAP 2015 program year. Each year the assessment rates are re-determined based upon the submitted cost reports, the number of hospitals and stakeholder input. Hospitals will be assessed 0.8580121% of a hospital's adjusted total facility costs up to \$216,372,500 and 0.668% for any amount in excess of \$216,372,500. Finally, the proposed rule will update and correct several references that were contained in the previous rule to coincide with other changes made to the rule. This rule will have no effect on annual aggregate expenditures.

Rule 5160-2-09, entitled Payment policies for disproportionate share and indigent care adjustments for hospital services, sets forth the conditions, requirements, and operation of HCAP as well as the distribution formula for the payment policies for HCAP in the 2015 program year. Each year the assessment rates are re-determined based upon the submitted cost reports, the number of hospitals and stakeholder input. The proposed rule updates the predetermined percentage of the total funds available for distribution to each of the seven payment policy pools. The percentage allocated to the Medicaid indigent care pool increased to 66.71% from 60.38% of the total funds available. The allocation to the disability assistance medical and uncompensated care pool below 100 percent of poverty decreased to 10.55% from 16.88% of the total funds available. The rule was further

amended to remove the transfer of deposits into the Legislative Budget Services fund which was abolished by the Ohio General Assembly. Finally, the proposed rule corrects several typographical errors and corrects and updates references that were contained in the previous rule to coincide with other changes made to the rule. Total program expenditures are \$609,290,234 for program year 2015. This is an increase in expenditures of approximately \$15,237,076, compared to HCAP program year 2014.

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/>. In addition, a copy of the proposed rules are available for public review at each County Department of Job and Family Services.

A public hearing on the proposed rule 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 rule and testimony on the rule should be submitted by mail to the Ohio Department of Medicaid Rule Administrator, Office of Chief Legal Counsel, 50 W. Town Street, Suite 400, Columbus, Ohio 43215-3414, by fax at (614) 995-1301, or by e-mail at Rules@Medicaid.Ohio.gov. Testimony received may be reviewed at this address.