

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

**DATE:** Monday, May 16, 2016  
**TIME:** 11:00 a.m.  
**LOCATION:** 50 West Town Street, Room A501  
Columbus, Ohio 43218

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

**OAC Rule 5160-44-01, Nursing Facility-Based Level of Care Home and Community-Based Services Programs: Home and Community-Based-Settings,** is being proposed for adoption to comply with home and community-based settings requirements issued by the Centers for Medicare and Medicaid Services. It affects Ohio Department of Medicaid (ODM) –administered and Ohio Department of Aging (ODA) –operated home and community-based service waivers and the 1915(i) Medicaid state plan option. This rule establishes the requirements for, and characteristics of home and community-based settings. The requirements and characteristics apply both to where the individual resides and where the individual receives services.

**OAC Rule 5160-44-02, Nursing Facility-Based Level of Care Home and Community-Based Services Programs: Person-Centered Planning,** is being proposed for adoption to comply with person-centered planning requirements issued by the Centers for Medicare and Medicaid Services. It affects ODM–administered and ODA–operated home and community-based service waivers and the 1915(i) Medicaid state plan option. This rule sets forth (a) the requirements of the person-centered planning process that is led by the individual, wherever possible; (b) the required elements included in the person-centered services plan; and (c) the process for modifying the person-centered services plan when changes are warranted regarding the individual's home and community-based setting.

**OAC Rule 5160-46-02, Ohio Home Care Waiver Program: Eligibility and Enrollment,** is being proposed for amendment to comply with home and community-based setting and person-centered planning requirements issued by the Centers for Medicare and Medicaid Services for 1915(c) home and community-based service waivers, including the Ohio Home Care Waiver. This rule sets forth the eligibility and enrollment requirements for an individual who participates in the Ohio Home Care Waiver. Language is being added to reflect that to be eligible for, and maintain enrollment in the Ohio Home Care Waiver, among other things, an individual must reside in a setting that possesses the home and community-based setting characteristics set forth in proposed

new OAC Rule 5160-44-01. The individual must also participate in the development and implementation of a person-centered services plan in accordance with the process and requirements set forth in proposed new OAC Rule 5160-44-02. Additionally, OAC cites governing Medicaid eligibility requirements and miscellaneous terminology are being updated.

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, 5<sup>th</sup> Floor, Columbus, Ohio 43218, by fax at (614) 995-1301, or by e-mail at [rules@medicaid.ohio.gov](mailto:rules@medicaid.ohio.gov). Comments received may be reviewed upon request.