

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

**DATE:** November 17, 2016  
**TIME:** 11:00 AM  
**LOCATION:** Room A401, Lazarus Building  
50 W. Town St., Columbus, Ohio 43215

Pursuant to section 5168.02 and Chapter 119 of the Ohio Revised Code, the Director of the Ohio Department of Medicaid gives notice of the Department's intent to amend rules 5160-2-08.1 and 5160-2-09 and of a public hearing thereon.

Rule 5160-2-08.1 entitled Assessment rates, sets forth the assessment rates for the Hospital Care Assurance Program (HCAP). This rule is being proposed for amendment to update the assessment rates for the 2016 and 2017 Hospital Care Assurance Program (HCAP). Each year the assessment rates are re-determined based upon the submitted cost reports, the number of hospitals and stakeholder input. The amendment updates paragraph (B) to specify to which program year the rule applies. Paragraph (C) establishes an assessment rate of 0.008354365 of a hospital's adjusted total facility costs up to \$216,372,500 and 0.00668 for any amount in excess of \$216,372,500. The sum of the two products will be each hospital's assessment amount for program year 2016. This rule was further amended to include a new paragraph (D) to establish calculation of assessment rates for program year 2017. Paragraph (D) establishes an assessment rate of one and one half per cent of a hospital's adjusted total facility costs up to \$216,372,500 and one per cent for any amount in excess of \$216,372,500. The sum of the two products will be each hospital's assessment amount for program year 2017. Paragraph (D) was further amended to include the department may establish a rate lower than the rates described in paragraph D(2) of this rule through the notification and reconsideration procedures described in paragraph (G) of this rule.

Rule 5160-2-09 entitled Payment policies for disproportionate share hospitals and indigent care adjustments for hospital services, sets forth the distribution formula for the payment policies for disproportionate share hospitals (DSH). This rule is being proposed for amendment to update the distribution formula for payment policies for disproportionate share hospitals (DSH) for use in program year 2016 and program year 2017 and each year thereafter. 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 allocated to each of the seven payment policy pools. The allocation to the Medicaid indigent care pool increased to 72.01% from 66.71%, while the allocation to the disability assistance medical and uncompensated care pool below 100 percent decreased to 5.25% from 10.55% of the total funds available for program year 2016. The allocation to the Medicaid indigent care pool is 77.26%, while the allocation to the disability assistance medical and uncompensated care pool below 100 percent is 0% for program year 2017, and each year thereafter.

A copy of the proposed rule is available, without charge, to any person at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. 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](mailto:Rules@Medicaid.Ohio.gov). Testimony received may be reviewed at this address.