

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: May 15, 2017
TIME: 11:00 A.M.
LOCATION: Lazarus Building, 50 West Town St., Room A501,
Columbus, Ohio 43215

Pursuant to section 5164.02 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 amendment of the rules as identified below and of a public hearing thereon.

OAC 5160-12-01, entitled "*Home health services: provision requirements, coverage and service specification*" details the provisions that govern Medicaid home health services as set forth in Chapter 5160-12 of the Administrative Code. This rule is being proposed for amendment to comply with federal regulations that prohibit States from limiting the provision of home health services to services delivered only in the home, or only to services furnished solely to individuals who are homebound. Amendments proposed to this rule include:

- Paragraph (E)(4) is being amended to allow home health services to be provided outside of the individual's place of residence, in any setting in which normal life activities take place, other than a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or any setting in which payment is or could be made under Medicaid for inpatient services that include room and board.
- Paragraphs (B), (B)(1), (D)(2)(b), (E)(3)(a)-(b), (G)(2), and (H)(3) are being revised to update references to form, rule and federal citations, and to update terminology used by the ODM (for consistency purposes).

OAC 5160-12-02, entitled "*Private duty nursing services: provision requirements, coverage and service specification*" specifies the provisions that govern Private Duty Nursing (PDN) services as set forth in Chapter 5160-12 of the Administrative Code. Amendments being proposed to this rule will:

- Further clarify that the residence of the provider is not excluded when the residence of the provider is the same as the individual and all other requirements of Chapter 5160-12 of the Administrative Code are met;
- Allow the Department of Developmental Disabilities (DODD) to prior authorize private duty nursing services for individuals enrolled on a DODD administered waiver;
- Clarify limits (e.g., where PDN may be provided in the community);
- Clean up formatting and typographical errors;
- Clarify prior authorization procedures for individuals enrolled on a managed care plan; and
- Remove references to modifiers (U5 and U6) no longer relevant to PDN services.

OAC 5160-12-02.3, entitled "*Private duty nursing: procedures for service authorization*" details how authorization for private duty nursing services is obtained. Amendments being proposed to this rule include:

- References to "children and adult" are being changed to "individuals" in Paragraphs (B) and (C) for continuity and to allow for the consistency with terminology used in other ODM rules;

- Paragraph (C) is being revised to remove references to the Ohio Department of Developmental Disabilities (DODD) ; and
- Paragraph D is being added to allow DODD to prior authorize private duty nursing services for individuals enrolled on a DODD administered waiver).

A copy of the proposed rules are available at the address listed below and without charge, to any person affected by the rules, and at the county departments 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 on the date and at the 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 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, 5th Floor, Columbus, Ohio 43218, by fax at (614) 995-1301, or by e-mail at rules@medicaid.ohio.gov. Comments received by ODM may be reviewed upon request.