

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: July 17, 2017
TIME: 12:00 p.m.
LOCATION: Room A501, Lazarus Building
50 W. Town St., Columbus, OH 43215

Pursuant to section 5165.02 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 adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Proposed for Rescission

Rule 5160-3-22, entitled "Rate recalculations, interest on overpayments, penalties, repayment of overpayments, and deposit of repayment of overpayments for nursing facilities (NFs)" sets forth provisions for rate recalculations, overpayments, and the associated penalties for nursing facilities. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for rescission because the provisions in it are contained in the Ohio Revised Code.

Proposed for Amendment

Rule 5160-3-30.1, entitled "Nursing facilities (NFs) and hospital long term care units: appeal of the franchise permit fee (FPF) determination or re-determination" sets forth provisions for appealing the franchise permit fee determination or re-determination for nursing facilities or hospital long term care units. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for amendment. The changes to the rule are:

- The rule title is being modified to be consistent with the titles of other nursing facility rules in Chapter 5160-3 of the Administrative Code.
- Ohio Revised Code citations are being updated because Am. Sub. HB 59 of the 130th General Assembly created the Ohio Department of Medicaid, and subsequently relocated and reorganized many Revised Code provisions governing the Medicaid program.
- The Department's name is being updated from the Ohio Department of Job and Family Services (ODJFS) to the Ohio Department of Medicaid (ODM) because of the creation of the Ohio Department of Medicaid.
- The name of the Bureau of Long Term Services and Supports is being changed from the Bureau of Long Term Care Services and Supports due to an update in terminology.
- Phrasing and grammatical changes are being made to improve clarity, comprehension, and readability.

Rule 5160-3-42.4, entitled "Nursing facilities (NFs): non-reimbursable costs" sets forth provisions for costs that are not reimbursable to nursing facilities through the NF per diem rate. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for amendment. The changes to the rule are:

- The title of the rule is being modified for grammatical purposes

- In paragraph (C), a citation for CMS publication 15-1 Provider Reimbursement Manual is being modified and a date is being added to comply with the Joint Committee on Agency Rule Review (JCARR) rule filing requirements.
- Ohio Administrative Code references are being updated due to the creation of the Ohio Department of Medicaid by Am. Sub. HB 59 of the 130th General Assembly and the subsequent renumbering of rules by the Legislative Services Commission.
- Ohio Revised Code citations are being updated because Am. Sub. HB 59 of the 130th General Assembly created the Ohio Department of Medicaid, and subsequently relocated and reorganized many Revised Code provisions governing the Medicaid program.
- The Department's name is being updated from the Ohio Department of Job and Family Services (ODJFS) to the Ohio Department of Medicaid (ODM) because of the creation of the Ohio Department of Medicaid.
- Phrasing and grammatical changes are being made to improve clarity, comprehension, and readability.

Rule 5160-3-64, entitled "Nursing facilities (NFs): payment for medicare part A cost sharing" sets forth provisions for Medicare Part A cost sharing for nursing facilities. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for amendment. The changes to the rule are:

- The rule title is being modified to be consistent with the titles of other nursing facility rules in Chapter 5160-3 of the Administrative Code.
- In paragraph (B) the phrase "including QMB plus" is being removed because QMB plus is not defined in OAC rule 5160:1-3-02.1.
- In paragraph (C), a phrasing change is being made to improve readability.
- Ohio Administrative Code references are being updated due to the creation of the Ohio Department of Medicaid by Am. Sub. HB 59 of the 130th General Assembly and the subsequent renumbering of rules by the Legislative Services Commission.
- The Department's name is being updated from the Ohio Department of Job and Family Services (ODJFS) to the Ohio Department of Medicaid (ODM) because of the creation of the Ohio Department of Medicaid.

A copy of the proposed rules is available, without charge, to any person at the address listed below. The 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. 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 W. Town Street, 4th Floor, 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.