

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: January 9, 2018
TIME: 1:00 P.M.
LOCATION: 50 West Town Street, Room A401
Columbus, Ohio 43215

Pursuant to Sections 5164.341, 5164.342 and 5166.02, and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Medicaid (ODM) gives notice of the department's intent to consider the adoption and rescission of the rules as identified below and of a public hearing thereon.

Rule 5160-45-07, entitled ODM-administered Waiver Programs: Criminal Records Checks Involving Agency Providers, is being proposed for amendment as a result of five-year review. This rule sets forth the process and requirements for the criminal records checks of employees of, and persons under final consideration for employment with, agencies that provide home and community-based services to individuals enrolled in ODM-administered waiver programs. Proposed changes include the addition of the definition of RAPBACK, and language affirming that if a waiver agency enrolls an employee in RAPBACK, the criminal records check requirements of the rule are considered to have been met for that employee. The proposed changes also include the addition of the Medicare exclusion database if the waiver agency is using ODM's automated registry check system (ARCS), and the Ohio Medicaid Provider Exclusion and Suspension list, to the list of exclusionary databases. Proposed changes also include updates to Revised Code and Administrative Code rule cites and commonly used terminology.

Rule 5160-45-08, entitled ODM-administered Waiver Programs: Criminal Records Checks Involving Non-agency Providers, is being proposed for amendment as a result of five-year review and to include changes resulting from the enactment of House Bill 49 of the 132nd General Assembly. This rule sets forth the process and requirements for the criminal records check requirements for independent providers of the ODM-administered waiver program services. The rule is being amended to permit ODM to use the information contained in RAPBACK to meet the annual criminal record check requirements for independent providers. The RAPBACK opportunity is the result of Amended Substitute House Bill 49 of the 132nd General Assembly. Proposed changes also include updates to Revised Code and Administrative Code rule cites and commonly used terminology.

Rule 5160-45-11, entitled ODM-administered Waiver Programs: Exclusionary Periods for Disqualifying Offenses; Certificates; and Pardons, is being proposed for amendment as a result of five-year review. This rule sets forth a tiered system of exclusionary periods for disqualifying offenses. The periods range from five years to permanent exclusion depending upon the type and number of offenses. The rule also sets forth policy regarding pardons under which certain individuals can obtain a Certificate of Qualification for Employment issued by a court of common pleas with competent jurisdiction pursuant to

Section 2953.25 of the Revised Code; or a Certificate of Achievement and Employability in an HCBS-related field, issued by the Ohio Department of Rehabilitation and Corrections pursuant to Section 2961.22 of the Revised Code. Proposed changes include updates to Administrative Code cites and commonly used terminology.

A copy of the proposed rules is available at the address listed below and without charge, to any person affected by the rule 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. 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, Suite 400, Columbus, Ohio 43218, by fax at (614) 995-1301, or by e-mail at rules@medicaid.ohio.gov. Comments received may be reviewed upon request.