

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: 09/17/2018
TIME: 11:00 AM
LOCATION: Room A501, 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 (Department) gives notice of the Department's intent to amend rule 5160-2-09 and of a public hearing thereon.

Rule 5160-2-09 entitled **Payment policies for disproportionate share and indigent care adjustments for hospital services**, sets forth the conditions, requirements and operation of the Hospital Care Assurance Program (HCAP) as well as the distribution formula and payment policies for disproportionate share hospitals (DSH) for each program year. This rule is being proposed for amendment to update the Ohio Administrative Code reference related to the definition of Children's Hospitals, to revise the definition of a rural hospital, to update cost report references within the rule, to remove the term Rural Access Hospital and replace it with Rural Hospital (RH), to update paragraph references within the rule, to remove references relating to the Disability Assistance Medical program, to remove reference to transplant services, to clarify how days are calculated regarding due dates for the assessment and distribution, and to remove references to prior payment pool allocations.

The proposed change in the definition of a rural hospital is to establish a more specific definition of a hospital's qualification to receive payment from the rural payment pool. This change defines a hospital as being rural if the hospital is geographically located in an Ohio county that is not classified into a Core Based Statistical Area (CBSA) as designated in the inpatient prospective payment system (IPPS) case-mix and wage index table as published by the Centers for Medicare and Medicaid Services (CMS). This change is necessary to preserve funds from the rural payment pool for smaller, rural hospitals that serve underserved populations, as compared to larger urban hospitals. Additional changes to the rule include: (1) replacing the term "Rural Access Hospital" ("RAH") with "Rural Hospital" ("RH") since the definition of a rural hospital is being amended, (2) updating the reference to line number 202 from 201 on Schedule I of the cost report, (3) updating the Ohio Administrative Code rule reference from 5160-2-07.2 to 5160-2-05 as it relates to the definition of a children's hospital due to the change in the rule number, (4) removing paragraph definitions and references relating to the Disability Assistance Medical program which no longer exists, (5) removing the references to the percentages of HCAP funds that were distributed from the Medicaid indigent care pool and uncompensated care pool for the 2016 program year since they are no longer relevant, (6) removing the references to transplant services since those services are reimbursed by DRG and are no longer separately cost settled through the cost report, (7) adding the word "working" to clarify that it's working days in regards to assessment and distribution due dates, and (8) updating paragraph references within the rule due to the removal of the definition of the Disability Assistance Medical program. This rule is anticipated to be effective November 1, 2018.

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. Testimony received may be reviewed at this address.