

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

**DATE:** November 19, 2018  
**TIME:** 11:30 am  
**LOCATION:** Lazarus Building, Room A501  
50 West Town St., Columbus, OH 43215

Pursuant to sections 5164.02, 5165.02 and 5165.153 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 Amendment

**Rule 5160-3-18** entitled "Nursing facilities (NFs): ventilator program" sets forth an alternative purchasing model for the provision of services to ventilator dependent individuals. The program is designed to increase access to care for ventilator dependent Medicaid individuals. This rule is being amended to include both program and payment criteria for the provision of weaning services in approved NFs. The changes to the rule are:

1. In paragraph (A), ventilator weaning is being added as a service available under the NF ventilator program.
2. In paragraph (B) (2), the definition of ventilator program is being updated to include ventilator weaning services and is being reworded for better clarity.
3. Paragraph (B) (3) is being added to include a definition for a respiratory care professional (RCP).
4. Paragraph (B) (9) is being added to include a definition for ventilator weaning.
5. Paragraph (B) (10) is being added to include a definition for ventilator weaning services.
6. Paragraph (C) is being modified to include ventilator services with weaning as a service eligible for payment at an enhanced rate.
7. In paragraph (C) (8) (a), "licensed respiratory therapist" is being replaced with "RCP," the more current terminology.
8. In paragraph (C) (9), the name of form ODM 10198 has been updated for consistency.
9. Paragraphs (C) (a) and (C) (b) have been moved to paragraphs (D) (4) and (D) (5) respectively.
10. Paragraph (D) (1) is being updated to require NFs that wish to participate in the vent program to complete an ODM form "Request to Participate in the NF Ventilator Program" and to indicate if they wish to provide ventilator services only, or both ventilator and weaning services.
11. Paragraphs (D) (4) and (5) describes the revalidation and change of operator processes.
12. Paragraph (E) is being added to specify the criteria that must be met for NFs to provide weaning services and receive an enhanced payment.
13. Paragraphs (F) (1) (a) and (b) are being added to provide the enhanced payment rates for ventilator only and for weaning services.
14. Paragraph (F) (2) is being updated to include the methodology for paying for ventilator only services and weaning services, until the ventilator-associated pneumonia (VAP) threshold is determined.
15. Paragraph (H) (1) is being modified to require NFs to use an approved ODM form "Nursing

- Facility Quarterly Ventilator Program Report" to submit quarterly data.
16. Paragraph (H) (2) is being deleted because the quarterly report will include the specific information to be reported by NFs.
  17. Paragraph (I) (1) is being modified to include weaning services in the compliance audit process.
  18. Paragraph (I) (2) (a) is being added to specify that ODM shall terminate a NF from providing weaning services if they fail to meet the requirements in this rule. It allows for continuing to provide ventilator only services if weaning services will no longer be provided and receive the enhanced rate for ventilator only services as long as the NF meets the requirements for ventilator only services.
  19. Paragraph (J) is being modified to describe different options for a facility that wishes to no longer provide weaning services, ventilator only services or both. It also provides for the notice of withdrawal of services to serve as a modification to the ODM 10198.
  20. Throughout the rule, paragraphs have been re-lettered and renumbered as necessary.
  21. Throughout the rule, references and terminology have been updated as appropriate.

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, 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.