

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: Monday, July 29th, 2019
TIME: 11:00AM
LOCATION: Room B501, Lazarus Building
50 W Town St., Columbus, Ohio 43215

Pursuant to section 5164.02 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.

TO BE RESCINDED

Rule 5160-1-40, entitled “Electronic Visit Verification (EVV)”, has had programmatic and policy changes and will be proposed for rescission as greater than fifty percent of the rule has been revised. It will be replaced with new rule 5160-1-40 entitled Electronic Visit Verification (EVV). The rule provides definitions of terminology unique to the Electronic Visit Verification (EVV) implementation, specifies services subject to EVV requirements, establishes operational requirements for providers of those services and outlines the regulatory foundation for using an alternate data collection component from what is provided by the Department. The rule also outlines provider training requirements as determined by the Department and reasons for provider termination for non-compliance.

TO BE ADOPTED

Rule 5160-1-40, entitled “Electronic Visit Verification (EVV)”, is being proposed for adoption to replace the existing rule which is being proposed for rescission. The new Electronic Visit Verification rule updates the provisions in the rescinded rule and takes the next step in achieving compliance with the 21st Century Cures Act by adding select services provided through the PASSPORT waiver administered by the Ohio Department of Aging (ODA), the Level One and Individual Options waivers administered through the Ohio Department of Developmental Disabilities (DODD) and through both traditional managed care and MyCare Ohio. In addition, the new rule incorporates an EVV data collection application software option which was added for the ease of visit information collection, giving further flexibility to the provider or direct care worker. Additionally, the 90 day exception to EVV requirements has been eliminated. References to Sandata as the Department's contractor were removed from the rule, reflecting stakeholder concern. The new rule continues to define EVV data collection application, removes the definition of expected duration of service, removes unnecessary language, corrects terminology, rearranges paragraphs for better clarity and readability and updates paragraph numbering as appropriate.

Copies of the proposed rules are available, without charge, 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. Both written and oral testimony will be taken at the public hearing. Written testimony 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 and testimony on the rules should be submitted by mail to the Ohio Department of Medicaid Rule Administrator, Office of Chief Legal Counsel, 50 W. Town St., 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.

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