

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

**DATE:** November 1, 2019  
**TIME:** 11:00 A.M.  
**LOCATION:** Lazarus Building, 50 West Town St.  
Room A501, Columbus, OH 43215

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

Proposed for Rescission and Adoption

**Rule 5160-3-15** entitled "Preadmission screening and resident review (PASRR) definitions" sets forth the definitions for terms contained in rules 51603-15.1, 5160-3-15.2, 5122-21-03 and 5123:2-14-01. This rule was reviewed pursuant to a five-year rule review. As a result of that review, this rule is being proposed for rescission, and is being replaced by new rule 5160-3-15 because more than fifty percent of the rule is changing.

**Rule 5160-3-15.1** entitled "Preadmission screening requirements for individuals seeking admission to nursing facilities" sets forth the preadmission screening (PAS) requirements in order to comply with section 1919(e)(7) of the Social Security Act, as in effect on January 1, 2014, which prohibits nursing facilities from admitting or enrolling individuals with serious mental illness (SMI), as defined in rule 5160-3-15 of the Administrative Code, or developmental disabilities (DD), as defined in rule 5160-3-15 of the Administrative Code, unless a thorough evaluation indicates that such placement is appropriate and adequate services will be provided. This rule was reviewed pursuant to a five-year rule review. As a result, this rule is being proposed for rescission, and is being replaced by new rule 5160-3-15.1.

**Rule 5160-3-15.2** entitled "Resident review requirements for individuals residing in nursing facilities" sets forth resident review requirements in compliance with section 1919(e)(7) of the Social Security Act, as in effect on January 1, 2014, which prohibits nursing facilities from retaining individuals with serious mental illness (SMI) as defined in rule 5160-3-15 of the Administrative Code or developmental disabilities (DD) as defined in rule 5160-3-15 of the Administrative Code unless a thorough evaluation indicates that such placement is appropriate and adequate services are provided. This rule was reviewed pursuant to a five-year rule review. As a result, this rule is being proposed for rescission, and is being replaced by new rule 5160-3-15.2.

Proposed for Adoption

**Rule 5160-3-15** entitled "Preadmission screening and resident review (PASRR) definitions" sets forth the sets forth the definitions for terms contained in rules 5160-3-15.1, 5160-3-15.2, 5122-21-03 and 5123-14-01. This rule replaces rule 5160-3-15, which is being proposed for rescission. Changes to this rule are being made to align with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138 and to clarify current departmental procedures.

**Rule 5160-3-15.1** entitled "Level I and Level II preadmission screening requirements for individuals seeking admission to nursing facilities" sets forth the level I and level II preadmission screening requirements pursuant to section 1919(e)(7) of the Social Security Act, as in effect July 1, 2019, to ensure that individuals seeking admission as defined in rule 5160-3-15 of the Administrative Code to a medicaid-

certified nursing facility who have serious mental illness (SMI) and/or a developmental disability (DD) as defined in rules 5122-21-03 and 5123-14-01 of the Administrative Code are identified and not admitted to a nursing facility unless a thorough evaluation indicates that such placement is appropriate and adequate services will be provided regardless of payor source. Changes to this rule are being made to align with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138 and to clarify current departmental procedures.

**Rule 5160-3-15.2** entitled "Resident review requirements for individuals residing in nursing facilities" sets forth the resident review requirements in compliance with section 1919(e)(7) of the Social Security Act, as in effect on July 1, 2019, which prohibits nursing facilities from retaining individuals with serious mental illness (SMI) as defined in rule 5122-21-03 of the Administrative Code and/or developmental disabilities (DD) as defined in rule 5123-14-01 of the Administrative Code unless a thorough evaluation indicates that such placement is appropriate and adequate services are provided. This rule replaces rule 5160-3-15.2, which is being proposed for rescission.

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, Rule Administrator, 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.