

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

**DATE:** November 1, 2019  
**TIME:** 11:00 AM  
**LOCATION:** Lazarus Building, 50 West Town St.  
Room A501, 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 amendment of Ohio Administrative Code 5160-40-01, 5160-41-17, and 5160-42-01 as identified below and to a public hearing thereon.

**Rule 5160-40-01**, entitled Medicaid home and community-based services program-individual options waiver. Ohio Administrative Code (OAC) rule 5160-40-01 authorizes DODD to oversee the day-to-day operations of the Medicaid Individual Options (IO) waiver program for individuals with intellectual and developmental disabilities. This rule currently sets forth definitions, enrollment criteria, benefit package components, individual service plan requirements, free choice of provider provisions, and due process rights.

As benefit package components are authorized by the Centers for Medicare and Medicaid (CMS) and are administratively overseen by the Department of Medicaid (ODM), outlining the components of the benefit package in the IO waiver OAC is duplicative and creates additional administrative processes to amend each time DODD and stakeholders revise the benefits offered under the waiver program. Therefore, this rule as amended proposes to remove current subparts of paragraph (F) and delineate that services may be found in the DODD OAC chapters as well as the federally approved waiver application.

Lastly, edits were made for consistency across ODM and DODD program rules regarding the IO waiver.

**Rule 5160-41-17**, entitled Medicaid home and community-based services program-self-empowered life funding waiver. OAC rule 5160-41-17 authorizes the DODD to oversee the day-to-day operations of the Medicaid Self-Empowerment Life Funding (SELF) waiver program for individuals with intellectual and developmental disabilities. This rule currently sets forth definitions, enrollment criteria, benefit package components, individual service plan requirements, free choice of provider provisions, and due process rights.

As benefit package components are authorized by CMS and are administratively overseen by ODM, outlining the components of the benefit package in the SELF waiver OAC is duplicative and creates additional administrative processes to amend each time DODD and stakeholders revise the benefits offered under the waiver program. Therefore, this rule as amended proposes to remove current subparts of paragraph (F) and delineate that services may be found in the DODD OAC chapters as well as the federally approved waiver application.

Additionally, content in the current OAC language is out dated and must be removed to reflect the currently approved federal SELF waiver application.

Lastly, edits were made for consistency across ODM and DODD program rules regarding the SELF waiver.

**Rule 5160-42-01**, entitled *Medicaid home and community-based services program-level one waiver*. OAC rule 5160-42-01 authorizes DODD to oversee the day-to-day operations of the Medicaid Level One (L1) waiver program for individuals with intellectual and developmental disabilities. This rule currently sets forth definitions, enrollment criteria, benefit package components, individual service plan requirements, free choice of provider provisions, and due process rights.

As benefit package components are authorized by the CMS and are administratively overseen by ODM, outlining the benefit limitations and components of the benefit package in the L1 waiver is duplicative and creates additional administrative processes to amend each time DODD and stakeholders revise the benefits offered under the waiver program. Therefore, this rule as amended proposes to remove current subparts of paragraphs (F) and (G) and delineate that services, and accompanying limits, may be found in the DODD OAC chapters as well as the federally approved waiver application.

Lastly, edits were made for consistency across ODM and DODD program rules regarding the L1 waiver.

Copies of the proposed rules are available, without charge, to any person affected by the rules at the address listed below and at the county departments of job and family services. 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. 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 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, 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.