

PUBLIC HEARING NOTICE

OHIO DEPARTMENT OF MEDICAID

DATE: August 13, 2020

TIME: 11:00 am

Teleconference Phone Number: 1-614-721-2972

Teleconference Pin: 56096368#

Pursuant to Chapter 119. and section 5165.02 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the adoption, amendment, or rescission of the rule or rules identified below and of a public hearing thereon.

Proposed for Amendment

Rule 5160-3-58 entitled "Nursing facilities (NFs): quality indicators and quality payment rate" is being proposed for amendment. This rule sets forth the provisions for the nursing facility quality indicators as well as the methodology used to determine the nursing facility quality payment rate. Changes to this rule are being made to implement provisions of Section 5165.25 and Section 121.95 of the Revised Code adopted under Amended Substitute House Bill 166 of the 133rd General Assembly. The changes to the rule are:

- Language determining the measurement period for state fiscal year 2017 is being deleted because it is obsolete. The remaining language regarding the measurement period is being reworded slightly for accuracy.
- The web address where the CMS pressure ulcer data may be found is being generalized because the exact web location changes frequently.
- The description of the CMS pressure ulcer quality measure for short-stay residents is being changed because CMS is replacing the measure entitled Percent of Residents or Patients with Pressure Ulcers That Are New or Worsened with the new measure entitled Post-Acute Pressure Ulcer/Pressure Injury Changes in Skin Integrity.
- Language is being modified so the antipsychotic medication use rate now will include short-stay residents who newly received an antipsychotic medication in conjunction with hospice care and also will include long-stay residents who received an antipsychotic medication in conjunction with hospice care.
- The preferences for everyday living inventory (PELI) quality indicator is being replaced with the satisfaction survey quality indicator.
- A provision regarding the PELI quality indicator is being deleted because the PELI quality indicator is being replaced with the satisfaction survey quality indicator.
- Language is being modified to comply with Legislative Services Commission (LSC) rule filing guidelines.
- Regulatory restrictions are being removed.

Pursuant to Section twelve of Am. Sub. H. B. No. 197 ODM will hold the public hearing for this rule package via teleconference. The phone number and pin and the date and time for this hearing are listed at the top of this Notice. All interested parties are invited to participate in the public hearing. Oral and written testimony will be accepted for this hearing and will be given the same consideration. Those who want to give oral testimony are asked to send an email to Rules@Medicaid.Ohio.gov no later than one hour before the hearing to be added to the witness list. There will be a final call at the end of the hearing for those who wish to offer oral testimony but are not yet on the witness list.

Written comments submitted via fax, United States Postal Service, and email that are received or postmarked no later than the day of the hearing will be accepted as testimony and become part of the hearing record. All testimony will become public record; therefore, the Ohio Department of Medicaid asks that protected health information only be included if the information belongs to the person submitting the testimony or a person for which the submitter is a legal guardian. Written testimony sent via email is highly recommended, all testimony received via email will receive a confirmation of receipt.

A copy of the proposed rule 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/>. Requests for a copy of the proposed rule or comments on the rule 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.