

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: November 9, 2020

TIME: 11:00 am

Teleconference Phone Number: 614-721-2972

Teleconference Pin: 721551862

Pursuant to Chapter 119. and sections 5162.02 and 5164.02 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.

5160-56-04 (amend) Hospice services: provider requirements

This rule sets forth the provisions for the responsibilities of a hospice to be eligible to provide and to request reimbursement for hospice services. This rule is being proposed for amendment to make permanent certain flexibilities in the Medicaid hospice program that were adopted in emergency rules filed as a result of the public health emergency caused by COVID-19. The changes to the rule are:

- Language is being added to allow the utilization of pseudo-patients in competency testing for hospice aides and to allow individuals who are competency tested only in tasks in which they will be assigned to function as hospice aides.

5160-56-05 (amend) Hospice services: covered services.

This rule sets forth the provisions for the Medicaid covered services that hospice providers may or must furnish to the extent specified by the individual's plan of care. This rule is being proposed for amendment to make permanent certain flexibilities in the Medicaid hospice program that were adopted in emergency rules filed as a result of the public health emergency caused by COVID-19. The changes to the rule are:

- Language is being added to allow core services to be provided through a combination of contracting services and telehealth services as necessary.
- Language is being added to allow non-core services to be provided through a combination of contracting services and telehealth services as necessary and appropriate.

5160-56-06 (amend) Hospice services: reimbursement.

This rule sets forth the provisions for the Ohio Department of Medicaid payment for hospice services and care. This rule is being proposed for amendment to make permanent certain flexibilities in the Medicaid hospice program that were adopted in emergency rules filed as a result of the public health emergency caused by COVID-19. The changes to the rule are:

- Language is being added to clarify that telehealth services can be provided when in-person visits are required.
- Language is being added to explain the way routine home care services and continuous home care services will be billed when there is a component of the services delivered through telehealth.
- Language is being added to clarify that services billed with T2044 for inpatient respite care and T2045 for general inpatient care are not eligible to be provided via telehealth.
- Language is being added to explain the way room and board services will be billed when there is a component of the services delivered through telehealth.

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.