

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: February 16, 2021

TIME: 11:00 a.m.

Teleconference Phone Number: 1-614-721-2972

Teleconference Pin: 908901837

Pursuant to Chapter 119. and sections 5164.02, 5162.03, 5165.04 and 5119.40 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 rules identified below and of a public hearing thereon.

OAC 5160-3-14, entitled "Process and timeframes for a level of care determination for nursing facility-based level of care programs" is being proposed for amendment to allow flexibilities permitted in response to the COVID-19 pandemic to become permanent. Proposed changes to the rule are outlined below.

Changes to rule 5160-3-14 include:

- State agency name references, form numbers, and rule number references were updated to reflect statutory and Administrative Code changes.
- Allowing the submission of the certification to occur electronically in addition to standard mail and for additional professionals to sign the certification.
- Allowing face-to-face level of care assessments and determinations to occur by telephone, desk review, or video conference unless an individual requires a face-to-face visit.
- Adding language to clarify that adverse level of care determinations must occur face-to-face
- Removing requirement for a delayed face-to-face visit for individuals seeking admission from a hospital, receiving adult protective services, or currently residing in a NF and requesting a change from a non-Medicaid payor to Medicaid payment for their continued nursing facility stay.

OAC 5160-3-15.1, entitled "Preadmission screening requirements for individuals seeking admission to nursing facilities." is also being proposed for amendment to allow flexibilities permitted in response to the COVID-19 pandemic to become permanent. Proposed changes to the rule are outlined below.

Changes to rule 5160-3-15.1 include:

- Allowing PASRR evaluations to occur by telephone, desk review, or video conference as well as face-to-face visits.
- Corrected language pertaining to categorical determinations.

Pursuant to Sub. H.B. 404 (133rd General Assembly), amending Section 12 of Am. Sub. H. B. 197 (133rd General Assembly), 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 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/>. 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.