

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

DATE: NOVEMBER 1, 2021  
TIME: 9:00 A.M.  
TELECONFERENCE PHONE NUMBER: 614-721-2972  
TELECONFERENCE PIN: 59111608#  
ONLINE MEETING LINK (MICROSOFT TEAMS): [CLICK HERE TO JOIN THE MEETING.](#)  
PHYSICAL LOCATION: ROOM A501, LAZARUS GOVERNMENT CENTER  
COLUMBUS, OH 43215

Pursuant to Chapter 119. and section 5164.02 of the Ohio Revised Code, the director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the amendment of the rule identified below and to hold a public hearing on this rule.

Rule 5160-4-06, "Specific provisions for evaluation and management (E&M) services," sets forth coverage and payment policies for specific types of evaluation and management services (professional healthcare services involving assessment and decision-making).

Changes of three types have been made.

- Terms identified in Am. Sub. H. B. 166 (133rd G. A.) as causing a rule to be deemed to contain regulatory restrictions—'shall', 'shall not', 'must', 'may not', forms of 'require', and forms of 'prohibit'—have been removed, and the passages in which they appeared have been recast.
- The phrase 'office or clinic setting' has been generalized to 'non-hospital setting'.
- Orthographic errors (missing spaces between words) have been corrected.

There is no substantive change in policy.

ODM will hold the public hearing for this rule package via teleconference and in person. All in-person attendees are required to follow ODM health and safety protocols, including undergoing a temperature check when entering the building and wearing a face mask and practicing social distancing while inside.

The date and time for the public hearing are listed at the top of this Notice, as well as the teleconference phone number, PIN (access code), online meeting link, and physical location. All interested parties are invited to participate in the public hearing. Both oral and written testimony will be accepted for this hearing and will be given the same consideration. Persons who want to give oral testimony are asked to send a message by e-mail to [rules@medicaid.ohio.gov](mailto: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 persons who wish to offer oral testimony but do not yet appear on the witness list.

Written comments submitted by e-mail, postal mail, or fax that are received or postmarked no later than the day of the hearing will be accepted as testimony and will become part of the hearing record. All testimony will become public record; therefore, ODM asks that protected health information (PHI) be excluded unless the information belongs to the person submitting the testimony or to a person for which the submitter is a legal guardian. Written testimony sent by e-mail is highly recommended. All persons who submit testimony by e-mail will be sent a confirmation of receipt.

A copy of this rule is available to any person, without charge, at the following locations:  
Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, OH 43215 or  
On the internet at <http://www.registerofohio.state.oh.us>.

Requests for a copy of the rule, as well as testimony on the rule, may be submitted in any of the following ways:

By mail to the Rule Administrator, Office of Chief Legal Counsel, Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, OH 43215;

By fax to (614) 995-1301; or

By e-mail to [rules@medicaid.ohio.gov](mailto:rules@medicaid.ohio.gov).