

## OHIO DEPARTMENT OF MEDICAID

DATE: May 16, 2022

TIME: 10:00 a.m.

Teleconference Phone Number: 1-614-721-2972

Teleconference Pin: 916211497#

Link to Microsoft Teams Meeting for Hearing: [Click here to join the meeting](#)

Pursuant to Chapter 119. and sections 5165.02, 5165.36, and 5165.771 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 Rescission

Rule 5160-3-58, entitled "Nursing facilities (NFs): quality indicators and quality payment rate" sets forth provisions specifying the nursing facility quality indicators and the methodology for determining the per Medicaid day quality payment rate. This rule is being proposed for rescission due to legislative changes that were made with the implementation of Amended Substitute House Bill 110 of the 134th General Assembly.

#### Proposed for Adoption

Rule 5160-3-50, entitled "Nursing facilities (NFs): use of additional dollars as a result of rebasing of rates" is being proposed for adoption to implement provisions adopted in Amended Substitute House Bill 110 of the 134th General Assembly. This new rule addresses the use, reporting, and reimbursement of additional dollars received as a result of rebasing of rates. It includes a definition of "cost center report" as well as provisions regarding direct care spending, submission of cost center reports, extensions for the submission of cost center reports, late reporting penalties, change of operator, new providers, reviews of cost center reports by the Department of Medicaid, and reimbursement of funds to the Department.

Rule 5160-3-70, entitled "Nursing facilities (NFs): appeals for special focus facilities (SFFs) proposed for termination from the medicaid program" is being proposed for adoption to implement provisions adopted in Amended Substitute House Bill 110 of the 134th General Assembly. This new rule includes provisions regarding appeals under Chapter 119. of the Revised Code for nursing facilities that are proposed for termination from the Medicaid program due to failure to improve or to graduate from the Special Focus Facility program within certain periods of time, and provisions for the hearings for those appeals.

Pursuant to Section three of Sub. H.B. 51 (134th General Assembly), ODM will hold the public hearing for this rule package via teleconference. The phone number, PIN (access code), link for teleconference attendance, 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](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 those who wish to offer oral testimony but are not 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, ODM asks that protected health information 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 via email is highly recommended. All testimony received via email will receive a confirmation of receipt.

A copy of the proposed rule(s) 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(s) or comments on the rule(s) 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](mailto:Rules@Medicaid.Ohio.gov).

ODM is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act (ADA), Title VI of the Civil Rights Act, and other applicable laws. To request an interpreter, written information in a language other than English or in other formats (large print, audio, accessible electronic formats, other formats), or a reasonable accommodation due to a disability, please contact ODM's Civil Rights/ADA Coordinator at 614-995-9981/TTY 711, Fax 1-614-644-1434, or Email: [ODM\\_EEO\\_EmployeeRelations@medicaid.ohio.gov](mailto:ODM_EEO_EmployeeRelations@medicaid.ohio.gov). Requests should be made at least three (3) business days prior to the scheduled hearing. If you believe ODM has failed to provide these services or discriminated in another way, you can file a grievance with ODM's Civil Rights Coordinator and/or file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights. Further information on these processes and ODM's compliance with civil rights and other applicable laws can be found here: [Notice of Nondiscrimination](#).