

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: NOVEMBER 14, 2022

TIME: 11:00 A.M.

TELECONFERENCE DIAL-IN PHONE NUMBER: 614-721-2971

TELECONFERENCE PIN: 502578949#

LINK TO MICROSOFT TEAMS MEETING FOR HEARING: [Click here to join the meeting](#)

IN-PERSON LOCATION: 50 W. TOWN STREET, ROOM A501, COLUMBUS, OHIO 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 adoption and rescission of the rules identified below and to hold a public hearing thereon.

Pursuant to section 106.03 of the Ohio Revised Code, "Agency Review of Existing Rules," a systematic review has been made of rule 5160-18-01 of the Ohio Administrative Code concerning the delivery of services by freestanding birth centers. As a result of this review, existing rule 5160-18-01 will be rescinded and replaced with a new rule of the same number.

On the whole, the intent of the new rule remains the same, but some differences should be noted:

- Am. Sub. H. B. 166 (133rd G. A.) lists six terms that cause a rule to be deemed to contain regulatory restrictions: 'shall', 'shall not', 'must', 'may not', forms of 'require', and forms of 'prohibit'. All of these terms have been removed and the passages in which they appeared have been recast.
- The text of the new rule has been reorganized and streamlined.
- Provider requirements listed in the rescinded rule are omitted from the new rule. Those provisions are not Medicaid requirements; they are set forth in non-Medicaid parts of the Ohio Revised Code and the Ohio Administrative Code.
- The limitations paragraph in the rescinded rule has been removed and its content recast in other sections of the new rule.
- In the new rule, coverage and payment provisions for facility and professional services have been clarified.
- In the new rule, coverage of intrapartum care has been added.

ODM will hold the public hearing for this rule package via teleconference and in person. All in-person attendees are required to follow Lazarus Building COVID-19 safety protocols when inside the ODM office. ODM will not require masks for individuals entering the building. However, visitors are welcome to wear masks if they prefer to do so. Masks are encouraged for visitors who have not gotten a vaccination or current booster, have an immune system disorder, or have a chronic medical condition. ODM encourages social distancing in all areas of the office.

The date and time for the public hearing are listed at the top of this Notice as well as the phone number, PIN (access code), link for teleconference attendance, and location for in-person attendance.

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 no later than one hour before the hearing to be added to the witness list. Those attending in person can be added to the witness list at the hearing. There will be a final call at the end of the hearing for persons who wish to offer oral testimony but are not yet on the witness list. 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 the proposed rules is available to any person, without charge, at the following locations:

Ohio Department of Medicaid, Office of Legal Counsel, 50 W. Town Street, Suite 400,
Columbus, Ohio 43215-3414; or

On the internet at <http://www.registerofohio.state.oh.us/>.

Requests for a copy of the proposed rules or comments on the rules should be submitted in any of the following ways:

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.

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.

Requests should be made no later than 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](#).