

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: FEBRUARY 6, 2023

TIME: 11:00 A.M.

TELECONFERENCE DIAL-IN PHONE NUMBER: 1-614-721-2972

TELECONFERENCE PIN: 461301634#

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 rescission and replacement of the rule identified below and to hold a public hearing on this rule.

Ohio Administrative Code rule 5160-13-01, "Service-based ambulatory health care clinics: general provisions," sets forth definitions, coverage policy, and payment policy for services provided by clinics on a fee-for-service basis. As a result of five-year review conducted in accordance with section 106.03 of the Ohio Revised Code, this rule is being rescinded and replaced with a new rule of the same number and the tagline "Clinic services." The intent remains the same, but the text of the new rule is reorganized, and the payment methodology is clarified. The phrases "ambulatory health care clinic" and "service-based ambulatory health care clinic" are replaced by "clinic," the term used in federal regulation (42 CFR 440.90).

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 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 whom 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 another format (such as large print, audio, or accessible electronic format), or a reasonable accommodation because of a disability, please contact ODM's Civil Rights/ADA Coordinator:

Phone: Voice 614-995-9981 / TTY 711

Fax: 614-644-1434

E-mail: ODM_EEO_EmployeeRelations@medicaid.ohio.gov

Requests should be made no later than three business days prior to the scheduled hearing.

If you believe that ODM has failed to provide these services or has discriminated in another way, you can file a grievance with ODM's Civil Rights/ADA Coordinator, file a civil rights complaint with the Office for Civil Rights of the U.S. Department of Health and Human Services, or both. Further information on these processes and on ODM's compliance with civil rights and other applicable laws can be found here: [Notice of Nondiscrimination](#).