

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: AUGUST 14, 2023

TIME: 11:00 A.M.

LOCATION: LAZARUS GOVERNMENT CENTER, ROOM A501
50 WEST TOWN STREET
COLUMBUS, OHIO 43215

TELECONFERENCE PHONE NUMBER: 614-721-2972

TELECONFERENCE PIN: 797884824#

ONLINE MEETING LINK (MICROSOFT TEAMS): [CLICK HERE TO JOIN THE MEETING.](#)

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 of the Ohio Administrative Code (OAC), "Specific provisions for evaluation and management (E&M) services," sets forth coverage and payment policies for specific types of evaluation and management services (office visits).

Section 1262 of the Consolidated Appropriations Act of 2023 removes the federal requirement for practitioners to submit a Notice of Intent (have a "DATA 2000 waiver") to prescribe medications, such as buprenorphine, for the treatment of opioid use disorder (OUD). Consequently, two changes are being made to rule 5160-4-06:

- Paragraph (B)(7)(a) is struck.
- A reference to the Code of Federal Regulations in paragraph (B)(7) is updated.

ODM will hold the public hearing for this rule package via teleconference and in person. ODM will not require protective masks for individuals attending in person. However, visitors are welcome to wear masks if they prefer to do so.

The date and time for the public hearing are listed at the top of this Notice as well as the location for in-person attendance and the phone number, PIN (access code), and link for teleconference 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 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 proposed rules or comments on the proposed rule may be submitted in any of the following ways:

By mail to the Ohio Department of Medicaid, Office of Legal Counsel, 50 West Town Street, Suite 400, Columbus, OH 43215-3414;

By fax to (614) 995-1301; or

By e-mail to rules@medicaid.ohio.gov.

The Ohio Department of Medicaid is committed to facilitating access, promoting inclusion, and providing 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 a certain format (large print, audio, accessible electronic format, other format), or a reasonable accommodation because of a disability, please contact ODM's Civil Rights/ADA Coordinator:

Phone: 614-995-9981 Voice / 711 TTY

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, a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, or both. Further information about these processes and ODM's compliance with civil rights laws and other applicable laws is available on the ODM website at *Notice of Nondiscrimination*.