

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: November 17, 2023

TIME: 11:00 a.m.

Teleconference Dial-In Phone Number: 1-614-721-2972

Teleconference Pin: 584060440#

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

In-Person Location: Room A501, Lazarus Building
50 W. Town Street, Columbus, OH 43215

Pursuant to section Chapter 119. and 5164.02 of the Ohio Revised Code, the director of the Ohio Department of Medicaid gives notice of the department's intent to amend the rule as identified below and of a public hearing thereon.

Rule 5160-22-01, entitled **Ambulatory surgery center (ASC) services: provider eligibility, coverage, and reimbursement**, is being proposed for amendment as a result of the enactment of Am.Sub. H.B. No. 33 of the 135th General Assembly, and as part of the five-year rule review process, and to update the policies and reimbursement methodology for ambulatory surgery centers (ASCs). The ASC base rate will be rebased and the relative weights for ASCs will be recalibrated using more recent claims data. The overall formula used to calculate the ASC payments will not change.

This rule 5160-22-01 sets forth provider eligibility, coverage, and reimbursement methodology for ASCs, subject to the Enhanced Ambulatory Patient Grouping (EAPG) system prospective payment methodology. Ohio's biennial 2024/2025 budget enacted under Am. Sub. H.B. No. 33 of the 135th General Assembly included provisions to update ASC reimbursement. The amendments to this rule are intended to align with the continued reform and modernization of the ASC reimbursement methodology. The components used to calculate ASC payments will be updated by using more recent claims data. These components include increasing the ASC base rate by 9.2%, increasing the flat rate reimbursement for dental services, and implementing ASC-specific relative weights by proposing a stop loss/stop gain provision to avoid large swings in reimbursement to ASCs. The formula used to calculate ASC payments will not change. Lastly, the department is alphabetizing definitions, removing regulatory restrictions, and updating paragraph references.

ODM will hold the public hearing for this rule package via teleconference and in-person. ODM will not require masks for individuals attending in person. However, visitors are welcome to wear masks if that is their preference. 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), and 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.

Written comments submitted in-person, 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 rule is available, without charge, to any person at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. Requests for a copy of the proposed rule or comments on the rule 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.

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 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](#).