

Hearing Date: 9/15/2017

Today's Date: 9/27/2017

Agency: Ohio Department of Medicaid

Rule Number(s): 5160-1-14, 5160-14-01, 5160-14-02, 5160-14-03, 5160-14-04, 5160-14-05, 5160-14-09

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If no comments at the hearing, please check the box. ☐

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Amber McCullough / rule 5160-1-14
2. Kristin Hildebrant, Disability Rights Ohio / rules 5160-1-14, 5160-14-01, 5160-14-02, 5160-14-03, 5160-14-04, 5160-14-05, and 5160-14-09
3. Graham Bowman, Ohio Poverty Law Center / rules 5160-1-14 and 5160-14-09
4. Sherill K. Williams and Kira N. Baldonado, National Center for Children's Vision and Eye Health at Prevent Blindness / rule 5160-1-14
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## Hearing Report and Summary

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Disability Rights Ohio and the Ohio Poverty Law Center submitted testimony that included the following recommendations: (1) keep existing rule language including the language on environmental investigations for lead, (2) add more detail in the new rule such as the type, amount, scope, and duration of covered services, (3) spell out the definition of medical necessity for EPSDT in rule 5160-1-14 and state that Medicaid-eligible children are entitled to benefits under EPSDT, (4) "explicitly enumerate" transportation and scheduling assistance is covered services under EPSDT, and (5) increase public awareness of EPSDT (website, guidance, training, collaboration with stakeholders). Disability Rights Ohio and the Ohio Poverty Law Center submitted similar comments in previous public comment periods. The National Center for Children's Vision and Eye Health at Prevent Blindness supported the new rule, and asked that, "Data collection are in place to ensure referral to and tracking of vision (and hearing) services." Finally, Amber McCullough, mother of three, asked that the new rule specifically state that transportation and scheduling assistance is covered under federal law. Ms. McCullough also asked that Ohio Medicaid strengthen the process for requesting and approving services through EPSDT and improve communications from Medicaid to providers, plans, and families regarding rights and responsibilities under EPSDT.

## Hearing Report and Summary

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

The comments received during the public hearing did not result in a change to any of the proposed rules. This is because the comments received were either already addressed during previous public comment periods for the rule(s) or the comments were focused on the implementation of the rule rather than the proposed rule language. Additionally, some of the comments requested language that is already set forth in other Ohio Administrative Code (OAC) rules. It would be unnecessary and duplicative to include language found in other rules within the proposed rule.

We will provide feedback to the commenters explaining how their comments were addressed and further clarify that the purpose of proposed rule 5160-1-14 is to articulate the coverage of EPSDT services under Ohio Medicaid. The existing rules unnecessarily duplicate requirements set forth in federal law, the State Medicaid Manual, and other parts of OAC. It is not the purpose of rule 5160-1-14 to reiterate or otherwise duplicate requirements. Additionally, we will follow-up on the suggestions around implementation.

Nothing in new rule 5160-1-14 is to be construed so as to limit the access of Medicaid-eligible individuals younger than twenty-one years of age to Medicaid-covered services.