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Hearing Date: 2/20/2024

Today's Date: 2/26/2024

Agency: Ohio Department of Medicaid

Rule Number(s): 5160-58-1, 5160-58-2.2, 5160-58-3.2, 5160-58-4, 5160-58-8.4

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

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

1. United Healthcare Community Plan – 5160-58-02.2
2. Ohio Association of Area Agencies on Aging – 5160-58-02.2
3. Ohio Nursing Crisis Advocacy Committee – 5160-58-04, 5160-58-08.4
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Hearing Summary Report

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).

United Healthcare Community Plan – 5160-58-02.2: Concern that the proposed updates to (A)(4) will shift the monthly outreach requirement from being done by the waiver service coordinator to being done by the case manager.

Ohio Association of Area Agencies on Aging – 5160-58-02.2: Concern that the proposed updates to (A)(4) impose new monthly telephonic and in-person monitoring requirements on monthly waiver services.

Ohio Nursing Crisis Advocacy Committee –

5160-58-04: Concern that the updates are removing “pest control” from being a covered service under the MyCare Ohio program.

5160-58-08.4: Concern that the updates are ending the ability of MyCare members to appeal and submit grievances.

Hearing Summary Report

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.

ODM Response to United Healthcare Community Plan – 5160-58-02.2: ODM revise filed this rule on 02/23/2024. In the revised version, ODM removed references to the “case manager” from (A)(4), as this term was erroneously included in the previous version.

ODM Response to Ohio Association of Area Agencies on Aging – 5160-58-02.2: ODM revise filed this rule on 02/23/2024. In the revised version, ODM modified the language in (A)(4) to clarify that the monthly monitoring requirements only apply to the annual waiver services.

ODM Response to Ohio Nursing Crisis Advocacy Committee –

5160-58-04: ODM responded to the Ohio Nursing Crisis Advocacy Committee on 02/23/2024, clarifying that the referenced changes merely removed a reference to a paragraph that is no longer in effect. The previously referenced 173.39-02.2 was rescinded in 2019. However, pest control is still covered. The proposed version of 5160-58-04 lists home maintenance and chore services as part of the services MyCare covers. It references 5160-44-12. The home maintenance and chore services provision can be used to cover pest control. As a result, pest control is still covered under the home maintenance and chore services provision within the MyCare waiver.

5160-58-08.4: ODM responded to the Ohio Nursing Crisis Advocacy Committee on 02/23/2024, clarifying that the referenced changes merely removed references to a paragraph that is no longer in effect—(A)(1)(d). The proposed rule strikes (A)(4)(d) and (F)(2)(c) because they reference a rescinded paragraph of the rule. Their deletion does not have any bearing on what a person can appeal. The member will still be able to appeal any adverse benefit determination as defined in 5160-26-01.