

**FEDERAL MEDICAID NOTICE AND
PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: May 18, 2010
TIME: 1:30 P.M.
LOCATION: Vern Riffe Center, 77 South High Street
Room 1960, Columbus, Ohio 43215

Pursuant to sections 5111.85, and 5111.8811 and Chapter 119. of the Ohio Revised Code, and 42 C.F.R. 447.205, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption of the rules as identified below and of a public hearing thereon.

These rules are being amended as prescribed in sections 5111.88 to 5111.8810 of the Revised Code (Amended Substitute House Bill 1, of 128th General Assembly). The addition of home care attendant services (HCAS) has the potential to increase both the pool of, and Medicaid reimbursement to, non-agency providers. It also has the potential to reduce Medicaid reimbursement to agency providers of private duty nursing (PDN) services and waiver nursing services because (a) HCAS is furnished in lieu of those services, (b) it can only be furnished by a non-agency provider.

The Department cannot provide an estimate of the impact on reimbursement associated with rules 5101:3-46-04.1, 5101:3-46-06.1, 5101:3-50-04.1, and 5101:3-50-06.1 because it is unknown as to how many waiver consumers will elect home care attendant services (HCAS) on the Ohio Home Care Waiver and Transitions Carve-Out Waiver, the department is unable to estimate how many non-agency providers will seek to provide HCAS, and the reduction to agency providers will vary from provider to provider, depending upon the frequency at which consumers to whom they furnish PDN and waiver nursing services switch to HCAS.

Rule 5101:3-46-04.1, entitled Ohio Home Care Waiver Program: Home Care Attendant Services, is being proposed for adoption. This rule will establish the requirements a home care attendant must meet in order to provide home care attendant services (HCAS) on the Ohio Home Care Waiver, as well as the requirements the attendant must follow when providing HCAS. The consumer can train the attendant in cooperation with the authorizing health care professional.

Rule 5101:3-46-06.1, entitled Ohio Home Care Waiver Program: Home Care Attendant Services Reimbursement Rates and Billing Procedures, is being proposed for adoption. This rule will establish the reimbursement rates and billing procedures an attendant must follow in order to be paid for providing home care attendant services (HCAS) on the Ohio Home Care Waiver program. The reimbursement rate for HCAS will be \$33.34 for the first hour. The unit rate will be \$4.17 for a fifteen-minute unit of assistance with self-administration of medications and the performance of nursing tasks, while personal care aide tasks will be reimbursed at a fifteen-minute unit rate of \$3.00.

Rule 5101:3-50-04.1, entitled Transitions Carve-Out Waiver Program: Home Care Attendant Services, is being proposed for adoption. This rule will establish the requirements a home care attendant must meet in order to provide home care attendant services (HCAS), as well as the requirements the attendant must follow when providing HCAS. The consumer can train the attendant in cooperation with the authorizing health care professional.

Rule 5101:3-50-06.1, entitled Transitions Carve-Out Waiver Program: Home Care Attendant Services Reimbursement Rates and Billing Procedures, is being proposed for adoption. This rule will establish the reimbursement rates and billing procedures an attendant must follow in order to be paid for providing home care attendant services (HCAS) on the Transitions Carve-Out Waiver. The reimbursement rate for HCAS will be \$33.34 for the first hour. The unit rate will be \$4.17 for a fifteen-minute unit of assistance with self-administration of medications and the performance of nursing tasks, while personal care aide tasks will be reimbursed at a fifteen-minute unit rate of \$3.00.

Copies of the proposed rules are available, without charge, to any person affected by the rules at the address listed below and at the county departments of job and family services. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov. Comments received may be reviewed at this address.