

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

**DATE:** August 15, 2011  
**TIME:** 1:30 P.M.  
**LOCATION:** Rhodes State Office Tower, 30 East Broad Street,  
Lobby Hearing Room, Columbus, Ohio 43215

Pursuant to section 5111.02 and Chapter 119. of the Ohio Revised Code and 42 C.F.R. 447.205, the director of the Department of Job and Family Services gives notice of the Department's intent to consider the amendment of the rules identified below and of a public hearing thereon. These rules are being amended to implement Section 5111.0213, adopted under Amended Substitute House Bill 153 of the 129<sup>th</sup> General Assembly. In addition, changes are being made to some of the rules because of implementation of the Medicaid Information Technology System (MITS), and because of the five-year review.

The current payment methodology for state plan private duty nursing, home health nursing, and home health aide services, and ODJFS-administered waiver nursing, personal care aide services, and home care attendant services was developed 13 years ago and is in need of modernization. Current rates are not synchronized with current labor market rates. Agency and non-agency/independent providers are paid the same amount, although agency providers have administrative business expenses such as rent, utilities, worker's compensation and accreditation fees, etc., that non-agency/independent providers typically do not have. Therefore, beginning with date of service October 1, 2011, ODJFS will be modernizing how Medicaid pays for nursing, home health aide services, personal care aide services, and home care attendant services. The base rate for the first hour of nursing services will be reduced from \$54.95 to \$52.20 for agency providers. The base rate for the first hour of nursing services for non-agency/independent nurses will be reduced from \$54.95 to \$41.76. The base rate for agency providers of home health aide and personal care aide services will be reduced from \$23.98 to \$23.26. The base rate for non-agency/independent providers of personal care aide services will be reduced from \$23.98 to \$18.61. And, the base rate for home care attendant services will be reduced from \$33.36 to \$25.89. The Department estimates the changes being implemented by rules 5101:3-12-05, 5101:3-12-06, 5101:3-46-06, 5101:3-46-06.1, 5101:3-47-06, 5101:3-50-06 and 5101:3-50-06.1, discussed herein, will decrease annual aggregate Medicaid expenditures by approximately \$30.8 million.

Rule 5101:3-12-05, entitled Reimbursement: Home Health Services, specifies coverage requirements for the provision of home health services. Changes to the rule decrease the Medicaid maximum rate of reimbursement for state plan home health nursing and home health aide services effective beginning with date of service October 1, 2011. The changes include the following: The base rate for the first hour of home health nursing services will be reduced from \$54.95 to \$52.20, and the base rate for home health aide services will be reduced from \$23.98 to \$23.26. There are no additional changes in methods and standards. However, clarifying language defining the terms "base rate" and "unit rate," and clarifying language providing a reference to the Administrative Code for

the group visit HQ modifier are added to this rule. The current Appendix A to this rule is rescinded and another proposed, which amends the base rates for home health nursing code G0154 and for home health nursing aide code G0156. The current Appendix B to this rule is rescinded and another proposed, which adds the group visit HQ modifier described in the body of this rule for clarity. The department estimates that together, these changes to the state plan home health services program will decrease annual aggregate Medicaid expenditures by approximately \$8,000,000.00.

Rule 5101:3-12-06, entitled Reimbursement: Private Duty Nursing Services, specifies coverage requirements for the provision of state plan private duty nursing services. Changes to the rule decrease the Medicaid maximum rate of reimbursement for private duty nursing services effective beginning with date of service October 1, 2011. The changes include the following: The base rate for the first hour of private duty nursing services will be reduced from \$54.95 to \$52.20 for agency providers, and the base rate for non-agency nurses will be reduced from \$54.95 to \$41.76. There are no additional changes in methods and standards. However, clarifying language defining the terms "base rate" and "unit rate," and clarifying language providing a reference to the Administrative Code for the group visit HQ modifier are added to this rule. The current Appendix A to this rule is rescinded and another proposed, which amends the base rates for private duty nursing code T1000. The current Appendix B to this rule is rescinded and another proposed, which 1) changes the requirement for the Healthchek U5 modifier and private duty nursing (PDN) authorization modifier U6 from "must" to "may" as they will no longer be required due to the implementation of the Medicaid Information Technology System (MITS) and 2) adds the group visit HQ modifier described in the body of this rule for clarity. The department estimates that the changes to the private duty nursing services program will decrease annual aggregate Medicaid expenditures by approximately \$4,700,000.00.

Rule 5101:3-46-06, entitled Ohio Home Care Waiver Program: Reimbursement Rates and Billing Procedures, contains the reimbursement rates and billing procedures associated with services provided by the Ohio Home Care Waiver. Changes to the rule decrease the Medicaid maximum rate of reimbursement for waiver nursing and personal care aide services effective beginning with date of service October 1, 2011. The changes include the following: The base rate for the first hour of waiver nursing services will be reduced from \$54.95 to \$52.20 for agency providers, and the base rate for non-agency nurses will be reduced from \$54.95 to \$41.76. The base rate for agency providers of ODJFS-administered waiver personal care aide services will be reduced from \$23.98 to \$23.26, and the base rate for non-agency ODJFS-administered personal care aides will be reduced from \$23.98 to \$18.61. The department estimates that together, the changes to the ODJFS-administered waiver program will decrease annual aggregate Medicaid expenditures by approximately \$18,100,000.00.

Rule 5101:3-46-06.1, entitled Ohio Home Care Waiver Program: Home Care Attendant Services Reimbursement Rates and Billing Procedures, contains the reimbursement rates and billing procedures associated with home care attendant services provided by the Ohio Home Care Waiver. Changes to the rule decrease the Medicaid maximum rate of

reimbursement for home care attendant services effective beginning with date of service October 1, 2011. The changes include the following: The base rate for the first hour of home care attendant services will be reduced from \$33.36 to \$25.89. There are no additional changes in methods and standards. However, in preparation for implementation of the Medicaid Information Technology system (MITS), paragraph (I) is changed to say that claims shall be submitted to, and reimbursement shall be provided by, ODJFS in accordance with Chapter 5101:3-1 of the Administrative Code. The department estimates there will no fiscal impact as a result of these rule changes.

Rule 5101:3-47-06, entitled Transitions DD Waiver Program: Reimbursement Rates and Billing Procedures, contains the reimbursement rates and billing procedures associated with services provided by the Transitions DD Waiver. Changes to the rule decrease the Medicaid maximum rate of reimbursement for waiver nursing and personal care aide services effective beginning with date of service October 1, 2011. The changes include the following: The base rate for the first hour of waiver nursing services will be reduced from \$54.95 to \$52.20 for agency providers, and the base rate for non-agency nurses will be reduced from \$54.95 to \$41.76. The base rate for agency providers of ODJFS-administered waiver personal care aide services will be reduced from \$23.98 to \$23.26, and the base rate for non-agency ODJFS-administered personal care aides will be reduced from \$23.98 to \$18.61. The department estimates that together, the changes to the ODJFS-administered waiver program will decrease annual aggregate Medicaid expenditures by approximately \$18,100,000.00.

5101:3-50-06, entitled Transitions Carve-Out Waiver Program: Reimbursement Rates and Billing Procedures, contains the reimbursement rates and billing procedures associated with services provided by the Transitions Carve-Out Waiver. Changes to the rule decrease the Medicaid maximum rate of reimbursement for waiver nursing and personal care aide services effective beginning with date of service October 1, 2011. The changes include the following: The base rate for the first hour of waiver nursing services will be reduced from \$54.95 to \$52.20 for agency providers, and the base rate for non-agency nurses will be reduced from \$54.95 to \$41.76. The base rate for agency providers of ODJFS-administered waiver personal care aide services will be reduced from \$23.98 to \$23.26, and the base rate for non-agency ODJFS-administered personal care aides will be reduced from \$23.98 to \$18.61. The department estimates that together, the changes to the ODJFS-administered waiver program will decrease annual aggregate Medicaid expenditures by approximately \$18,100,000.00.

Rule 5101:3-50-06.1, entitled Transitions Carve-Out Waiver Program: Home Care Attendant Services Reimbursement Rates and Billing Procedures, contains the reimbursement rates and billing procedures associated with home care attendant services provided by the Transitions Carve-Out Waiver. Changes to the rule decrease the Medicaid maximum rate of reimbursement for home care attendant services effective beginning with date of service October 1, 2011. The changes include the following: The base rate for the first hour of home care attendant services will be reduced from \$33.36 to \$25.89. There are no additional changes in methods and standards. However, in preparation for implementation of the Medicaid Information Technology system (MITS),

paragraph (I) is being amended to reflect that claims shall be submitted to, and reimbursement shall be provided by, ODJFS in accordance with Chapter 5101:3-1 of the Administrative Code. The department estimates there will no fiscal impact as a result of these rule changes.

A copy of the proposed rules is 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 and Acquisition Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov). Comments received may be reviewed at this address.