

**PUBLIC HEARING NOTICE
OFFICE OF MEDICAL ASSISTANCE**

DATE: November 19, 2012
TIME: 10:00 a.m.
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to section 5111.02 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

The following rules are being proposed for rescission pursuant to section 119.032 of the Revised Code.

Rule **5101:3-3-73.1**, entitled Intermediate care facilities for the mentally retarded (ICFs-MR) case mix assessment instrument: individual assessment form (IAF) answer sheet, sets forth provisions for the IAF answer sheet for residents of ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-73.2**, entitled Resident assessment classification system (RACS): the intermediate care facility for the mentally retarded (ICF-MR) case mix payment system, sets forth provisions for the RACS case mix payment system for ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-73.3**, entitled Calculation of quarterly and annual intermediate care facility for the mentally retarded (ICF-MR) facility average case mix scores, sets forth provisions for the calculation of quarterly and annual facility average case mix scores for ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-81**, entitled Compensation cost limits, reasonable costs for compensation, and compensation disallowances if any for owners, relatives of owners, and administrators in intermediate care facilities for the mentally retarded (ICFs-MR), sets forth general provisions for compensation cost limits, reasonable costs for compensation, and compensation disallowances for owners, relatives of owners, and administrators who work in ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-81.1**, entitled Compensation cost limits, reasonable costs for compensation, and compensation disallowances if any for owners, relatives of owners in intermediate care facilities for the mentally retarded (ICFs-MR), sets forth the provisions, including calculation methodology, for compensation cost limits, reasonable costs for compensation, and compensation disallowances for owners and relatives of owners who work in ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-81.2**, entitled Compensation cost limits, reasonable costs for compensation, and compensation disallowances if any for administrators in intermediate care facilities for the mentally retarded (ICFs-MR), sets forth the provisions, including calculation methodology, for compensation cost limits, reasonable costs for compensation, and compensation disallowances for administrators who work in ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-82**, entitled Intermediate care facilities for the mentally retarded (ICFs-MR): method for establishing the other protected costs component of the prospective rate, sets forth the method for establishing the other protected costs component of the prospective rate for ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

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Rule **5101:3-3-82.1**, entitled Method for establishing reimbursement to intermediate care facilities for the mentally retarded (ICFs-MR) for the franchise permit fee, sets forth the method for establishing reimbursement to ICFs-MR for the franchise permit fee. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-84.2**, entitled Cost of ownership, efficiency incentive, and reporting of accumulated depreciation for intermediate care facilities for the mentally retarded (ICFs-MR), sets forth provisions for the cost of ownership, efficiency incentive, and reporting of accumulated depreciation for ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-84.3**, entitled Nonextensive renovations for intermediate care facilities for the mentally retarded (ICFs-MR), sets forth provisions for non-extensive renovations for ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-85**, entitled Approval of nonextensive renovations for intermediate care facilities for the mentally retarded (ICFs-MR), sets forth provisions for approval of non-extensive renovations for ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-94**, entitled Active treatment day programming services of intermediate care facilities for the mentally retarded (ICFs-MR), sets forth provisions for active treatment day programming services provided to residents of ICFs-MR. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

Rule **5101:3-3-96**, entitled Prospective rate reconsideration for intermediate care facilities for the mentally retarded (ICFs-MR) for possible calculation errors, sets forth provisions for prospective rate reconsideration for ICFs-MR on the basis of a possible error in the calculation of the rate. This rule is being rescinded since, pursuant to Section 5111.226 of the Revised Code, the Department of Job and Family Services has entered into a contract with the Department of Developmental Disabilities under section 5111.91 of the Revised Code that provides for the Department of Developmental Disabilities to assume the powers and duties of the Department of Job and Family Services with regard to the Medicaid program's coverage of services provided by ICFs-MR.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. 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, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov. Comments also may be reviewed at this address.