

**LEGAL NOTICE AND PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: May 17, 2005

TIME: 10:00 A.M.

LOCATION: Room 1823, Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio

PURSUANT TO SECTION 5111.02 AND CHAPTER 119. OF THE REVISED CODE, THE DIRECTOR OF THE DEPARTMENT OF JOB AND FAMILY SERVICES GIVES NOTICE OF THE DEPARTMENT'S INTENT TO AMEND RULES 5101:3-3-02, 5101:3-3-20, 5101:3-3-39, 5101:3-3-49.3, 5101:3-3-51.6, 5101:3-3-54.1, 5101:3-3-54.5, 5101:3-3-59, 5101:3-3-63 AND ADOPT RULE 5101:3-3-39.1 AND OF A PUBLIC HEARING THEREON.

In accordance with section 119.03 of the Ohio Revised Code that outlines the process for amendment and adoption of rules, enclosed are proposed rule changes. These rules are proposed for amendment and adoption to implement the direct bill claims process for nursing facilities (NFs) by which NFs will submit claims directly to the department for payment by Medicaid. These rules set forth Medicaid policy to implement direct bill for nursing facilities (NFs).

Rule 5101:3-3-02 entitled Provider agreements: nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR) sets forth the execution and maintenance of a provider agreement between the Ohio department of job and family services (ODJFS) and the operator of a NF or ICF-MR. The proposed amendment to this rule specifies that NFs use the 9400 process for dates of service preceding July 1, 2005 to initiate, terminate or adjust vendor payment, and the 837I claim, as required in rule 5101:3-3-39.1, for dates of service on or after July 1, 2005 to initiate, terminate or adjust payment. Also, vendor payment is amended to read payment.

Rule 5101:3-3-20 entitled Nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR): medicaid cost report filing, record retention, and disclosure requirements sets forth the process by which each nursing facility (NF) and intermediate care facility for the mentally retarded (ICFs-MR) files a cost report with the Ohio department of job and family services (ODJFS). The proposed amendment modifies medicaid vendor payment to read medicaid payment.

Rule 5101:3-3-39 entitled Payment and adjustment process for nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR) sets forth the payment and adjustment process for NFs and ICF/MRs. The proposed amendment to this rule specifies that NFs use the form 9400, Nursing Facility Payment and Adjustment Authorization for dates of service preceeding July 1, 2005 for the reimbursement of services. The amendment also clarifies that the for dates of service preceding July 1, 2005, the CDJFS shall stop vendor payment within ten days of receipt of the JFS 09401, Facility/CDJFS Transmittal, in the case of death, discharge or hospice enrollment.

Rule 5101:3-3-39.1 entitled Claims submission for nursing facilities (NFs) is being adopted to set forth the claims submission requirements for NFs under the direct bill.

Rule 5101:3-3-49.3 entitled Calculation, billing, collection and appeal process for the franchise permit fee (FPF) sets forth the formula for calculating the franchise permit fee and the related

appeals process. The proposed amendment modifies medicaid vendor payment to read medicaid payment.

Rule 5101:3-3-51.6 entitled Notice, escrow, and recovery of excess depreciation paid, change in the medicaid provider agreement, closure or voluntary withdrawal from the medical assistance program for nursing facilities (NFs) sets forth the process for a closure or voluntary withdrawal of a NF from the medical assistance program. The proposed amendment modifies vendor payment to read medicaid payment.

Rule 5101:3-3-54.1 entitled Outlier long-term care services for individuals with severe maladaptive behaviors due to traumatic brain injury (NF-TBI services) sets forth the process to identify a sub-population of those individuals determined to require a nursing facility (NF) level of care (LOC) for the purpose of providing prior authorized intensive rehabilitation services to individuals with severe maladaptive behaviors due to traumatic brain injury (TBI). The proposed amendment modifies medicaid vendor payment to read medicaid payment.

Rule 5101:3-3-54.5 entitled Pediatric outlier care in nursing facilities (NF-PED services) sets forth the process to identify a sub-population of those individuals determined to require a nursing facility (NF) level of care (LOC) for the purpose of providing prior authorized NF-PED services. The proposed amendment modifies medicaid vendor payment to read medicaid payment.

Rule 5101:3-3-59 entitled Coverage of bed-hold days for medically necessary and other limited absences in nursing facilities (NFs) sets forth the identification of leave days. The proposed amendment modifies medicaid vendor payment to read medicaid payment. The amendment also specifies that for dates of service preceding July 1, 2005, the NF shall report the use of bed-hold days on the form 9400, Nursing Facility Payment and Adjustment Authorization, and for dates of service on or after July 1, 2005, to submit the number of bed-hold days on the 837I claim as specified in rule 5101:3-3-39.1.

Rule 5101:3-3-63 entitled Resident protection fund (RPF) for nursing facilities (NFs) and collection of fines sets forth the process and circumstances by which fines are assessed and collected to be deposited in the RPF. The proposed amendment modifies vendor offset to medicaid payment offset and vendor payment to medicaid payment.

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 legal@odjfs.state.oh.us. Comments received may be reviewed at this address.