

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

**DATE:** April 27, 2006  
**TIME:** 10:00 am.  
**LOCATION:** Lobby Hearing Room, Rhodes State Office Tower  
30 East Broad St., Columbus, Ohio 43215-3414

Pursuant to section 5111.01 and Chapter 119. of the Ohio Revised Code, and 42 CFR 447.205 the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, and, or rescission of the rules as identified below and of a public hearing thereon.

Rule 5101:3-1-07, entitled Reimbursement Rates for Core Home Care Services, is being proposed for rescission because this rule is not in compliance with HIPAA code requirements. This rule sets forth the billing codes with the allotted reimbursement rates for each code, which includes nursing, daily living, physical therapy, occupational therapy, speech language pathology. It is being replaced by new rules 5101:3-12-03, 5101:3-12-05, 5101:3-12-06, and rules 5101:3-46-06, 5101:3-47-06, 5101:3-50-06.

Rule 5101:3-12-01, entitled Ohio home care program – definitions, is being proposed for rescission because the new home health rules have incorporated the definitions within the rule bodies and the Ohio home care waiver program has developed their own definition rule. This rule sets forth the definitions of the Ohio home care program, which includes the waiver program definitions. It is being replaced by new rules 5101:3-12-01, 5101:3-12-02, 5101:3-12-03, 5101:3-45-01, 5101:3-46-01, 5101:3-47-01, 5101:3-50-01.

Rule 5101:3-12-01, entitled Home health services: provision requirements, coverage, and service specification, is being proposed for adoption because it clarifies and simplifies the home health program which is a federally required state Medicaid service. This rule sets forth the home health services definitions, provision of services requirements, and services covered with specifications, including consumer and Medicare Certified Home Health Agency requirements. It replaces part of former rules 5101:3-12-01, 5101:3-12-02, 5101:3-12-03, 5101:3-12-04, 5101:3-12-05, and 5101:3-12-06.

Rule 5101:3-12-02, entitled Ohio Home Care Program – General Provisions, is being proposed for rescission because the new home health rules clarify and simplify the policies and practices related to the Home health program. This rule sets forth the purpose of the Ohio Home Care Program and gives general provisions and requirements. It is being replaced by new rules 5101:3-12-01, 5101:3-12-02, 5101:3-12-03, 5101:3-46-04, 5101:3-47-04, 5101:3-48-04, 5101:3-12-07.

Rule 5101:3-12-02, entitled Private duty nursing: services, provision requirements, coverage and service specifications, is being proposed for adoption because this rule replaces the core plus program and has incorporated restrictions for provision of services. This program is an optional Medicaid service. This rule sets forth the services,

definitions, coverage and service specifications. It replaces part of former rules 5101:3-12-01, 5101:3-12-02, 5101:3-12-03, 5101:3-12-04, 5101:3-12-05, and 5101:3-12-06.

Rule 5101:3-12-02.1, entitled Provision for consumers enrolled in and providers who provide the Core Plus Benefit Package services, is being proposed for adoption to allow Core Plus consumers to be transferred to one of the Ohio Home Care waivers if the consumer meets the requirements. This rule sets forth the provision of transferring consumers to a waive. This is a new rule.

Rule 5101:3-12-02.2, entitled Provision for MRDD and ODA administered waiver consumers receiving Core Services and providers who provide the Core Services over the fourteen hours a week, is being proposed for adoption to allow these consumers to be transferred to one of the Ohio Home Care waivers if the consumer meets the requirements. This rule sets forth the provision of transferring consumers into a waiver. This is a new rule.

Rule 5101:3-12-03, entitled ODJFS-administered home care benefit packages, is being proposed for rescission because the new home health rules clarify and simplify the policies and practices related to the Home health program. This rule sets forth definition of the home care benefit packages and the covered core home care services. It is being replaced by new rules 5101:3-12-01 and 5101:3-12-03.

Rule 5101:3-12-03, entitled Medicare certified home health agencies (MCRHHA): qualifications and requirements, is being proposed for adoption because this rule clarifies and simplifies policies and practices relating to the home health program. This rule sets forth the requirements for participation in the Medicaid home health program. It replaces part of former rule 5101:3-12-05.

Rule 5101:3-12-03.1, entitled Non-agency nurses and other accredited agencies: qualifications and requirements, is being proposed for adoption as a new rule that covers the basic requirements of qualification as a Medicaid provider. This is a new rule.

Rule 5101:3-12-04, entitled Consumer eligibility for Ohio home care benefits, is being proposed for rescission because new rules clarify and simplify the policy and practices relating to the home health program. This rule sets forth the consumer's requirements for having home health services from the home care benefits. It is being replaced by new rule 5101:3-12-01, 5101:3-12-02, 5101:3-46-02, 5101:3-47-02, 5101:3-48-02.

Rule 5101:3-12-04, entitled Home health and private duty nursing: visit policy, is being proposed for adoption because this rule clarifies and simplifies the policy and practices relating to the home health program. This rule defines a visit, group visit and multiple visits for home health services. It replaces part of former rules 5101:3-12-06, 5101:3-12-10.

Rule 5101:3-12-05, entitled Eligible providers of Ohio home care services, is being proposed for rescission because the new rules clarify and simplify the policies and practices relating to the home health program. This rule sets forth the requirements for providers of home care services, including waiver providers. It is being replaced by new rule 5101:3-12-03, 5101:3-12-03.1, 5101:3-45-10.

Rule 5101:3-12-05, entitled Reimbursement: home health services, is being proposed for adoption because this rule clarifies and simplifies the policies and practices relating to the home health program. This rule sets forth the new HIPAA compliant billing codes with the reimbursement rates for each code, along with the new modifiers that are to be used when the visit meets the requirements for the modifiers. It replaces part of former rules 5101:3-1-07 and 5101:3-12-10.

Rule 5101:3-12-06, entitled Core home care services, is being proposed for rescission because the new rules clarify and simplify the policies and practices relating to the home health program. This rule sets forth defining the services in the core home care service package and core home care benefits. It is being replaced by new rules 5101:3-12-01 and 5101:3-12-02, 5101:3-12-03.

Rule 5101:3-12-06, entitled Reimbursement: private duty nursing services, is being proposed for adoption because this rule clarifies and simplifies the policies and practices relating to the home health program. This rule sets forth the new HIPAA compliant billing code and sets forth the rates for private duty nursing services. The first hour of private duty nursing is being reduced by eight percent and each subsequent hour of private duty nursing is being reduced by five percent. The reason for this proposal is to contain Medicaid expenditures. The department estimates the changes being implemented by this rule in conjunction with the changes in rules 5101:3-46-06, 5101:3-47-06, and 5101:3-50-06 will decrease annual aggregate Medicaid expenditures by \$8,000,000. It replaces part of former rule 5101:3-1-07, 5101:3-12-10.

Rule 5101:3-12-10, entitled Reimbursement of core home care services, is being proposed for rescission because the new rules clarify and simplify the policies and practices relating to the home health program. This rule sets forth defining the requirements for billing. It is being replaced by new rules 5101:3-12-03, 5101:3-12-05, 5101:3-12-06, and rules 5101:3-46-06, 5101:3-47-06, 5101:3-50-06.

Rule 5101:3-45-15, entitled, Provisions for transferring consumers receiving Core-Plus Benefit Package services to ODJFS-administered waivers, is being proposed for adoption as a new rule for the transfer of Core Plus consumers to waivers if the consumer meets the requirements. This rule corresponds with new rule 5101:3-12-02.1 to allow the waivers to receive the Core Plus consumers.

Rule 5101:3-45-16, entitled, Provisions for transferring consumers enrolled on an ODA or ODMR/DD-administered waiver and receiving core services to ODJFS-administered waivers, is being proposed for adoption as a new rule for the transfer of consumer who

were receiving core services over the fourteen hours a week while in either an ODA waiver or MR/DD waiver to an ODJFS-administered waiver if the consumer meets the requirements of one of the ODJFS waivers. This rule corresponds with new rule 5101:3-12-02.2 to allow the waivers to receive the ODA and MR/DD consumers.

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 Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@odjfs.state.oh.us](mailto:rules@odjfs.state.oh.us). Comments received may be reviewed at this address.