

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: May 17, 2006
TIME: 11:00 a.m.
LOCATION: Room 2925, 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, and rescission of the rules as identified below and of a public hearing thereon.

The OAC Chapter, 5101:3-31 dealing with the PASSPORT HCBS Waiver program is being revised and consolidated. These changes are being made to update the rules to reflect that the Ohio Department of Aging has authority in ORC 173.391 to certify providers and define services delivered in the Aging Network. These changes are updates to the chapter and are not substantive changes to the PASSPORT Program.

The following rules are affected by these changes as indicated:

- 5101:3-1-06.1, Home and Community Based Service Waivers: PASSPORT – Rates, is being amended to update the Appendix A with the changed service titles and to change rates ceilings to reflect new service definitions. These are not changes to the PASSPORT rates.
- 5101:3-31-02, PASSPORT Service Definitions – is being amended to remove definitions no longer applicable to the chapter and to update references.
- 5101:3-31-05, Case Management – is being rescinded as obsolete.
- 5101:3-31-05, PASSPORT HCBS Covered Services – is being proposed as new. This rule outlines the service specifications for services covered by Medicaid in the PASSPORT HCBS Waiver and references the ODA rules defining those services. This rule replaces a rule previously numbered 5101:3-31-09 and has been re-numbered to consolidate the chapter.
- 5101:3-31-06, Provider Conditions of Participation for the PASSPORT HCBS Waiver Program – this rule requires ODA certification as a condition of participation as a Medicaid provider for the PASSPORT HCBS Waiver. This rule replaces a rule previously numbered 5101:3-31-08 and has been re-numbered to consolidate the chapter.
- 5101:3-31-07, PASSPORT HCBS Waiver Rate Setting – this rule outlines the methodology for determining provider rates for services under the waiver. This

rule replaces a rule previously numbered 5101:3-31-11 and has been re-numbered to consolidate the chapter.

- 5101:31-08, Provider Conditions of Participation for the PASSPORT HCBS Waiver Program – this rule is being rescinded and has been re-numbered as 5101:3-31-06 to consolidate the chapter.
- 5101:3-31-09, PASSPORT HCBS Waiver Program Service Specifications – this rule is being rescinded and has been re-numbered as 5101:3-31-05 to consolidate the chapter. The rule is rescinded because new rules promulgated by ODA describe the service specifications and the new rule 5101:3-31-05 identifies the services that will be covered by the PASSPORT HCBS Waiver.
- 5101:3-31-10, PASSPORT HCBS Waiver Provider Initial and Ongoing Certification – this rule is being rescinded because ODA has statutory authority to certify providers under ORC 173.391 and has promulgated rules to that effect. This rule is obsolete based on that action.
- 5101:3-31-11, PASSPORT HCBS Waiver Rate Setting – this rule is being rescinded and has been re-numbered as 5101:3-31-07 to consolidate the chapter.
- 5101:3-31-12, PASSPORT HCBS Waiver Enrollee Referrals to PASSPORT HCBS Waiver Providers – this rule is being rescinded as obsolete.
- 5101:3-31-13, PASSPORT HCBS Waiver Provider Structural Compliance Review – this rule is being rescinded as obsolete. ODA has authority under ORC 173.391 to certify and oversee providers.
- 5101:3-31-14, PASSPORT HCBS Waiver Provider Feedback Log Process – this rule is being rescinded as obsolete.
- 5101:3-31-15, PASSPORT HCBS Waiver Provider Sanctions – this rule is being rescinded as obsolete. ODA has authority under ORC 173.391 to certify and oversee providers.
- 5101:3-31-16, Process for PASSPORT HCBS Waiver Provider for Challenges and Appeals - this rule is being rescinded as obsolete. ODA has authority under ORC 173.391 to certify and oversee providers.

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, by fax at (614) 752-8298, or by e-mail at legal@odjfs.state.oh.us. Comments received may be reviewed at this address.