

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

DATE: Wednesday, May 23, 2007
TIME: 10:00 a.m.
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215-3414

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 or rescission of the rules identified below and of a public hearing thereon. The following rules are being proposed for permanent **rescission** pursuant to Section 119.032 of the Revised Code, which requires the review of all state agency rules within a five year period:

Rule 5101:3-3-75 entitled "Intermediate care facilities for the mentally retarded (ICFs-MR) case mix assessment instrument: Individual Assessment Form (IAF)." This rule is being rescinded and replaced in part by rule 5101:3-3-73.1.

Rule 5101:3-3-76 entitled "Resident assessment classification system (RACS): the intermediate care facility for the mentally retarded (ICF-MR) case mix payment system." This rule is being rescinded and replaced in part by rule 5101:3-3-73.2.

Rule 5101:3-3-85.1 entitled "Exception review process for intermediate care facilities for the mentally retarded (ICFs-MR)." This rule is being rescinded and replaced in part by rule 5101:3-3-73.4.

The following rules are being proposed for permanent **adoption** to replace, in part, the rules listed above that are being rescinded, to renumber the rules as part of an overall project by the Bureau of Long Term Care Facilities to reorganize the rules pertaining to NFs and ICFs-MR, to clarify certain provisions, and to add the requirement that effective December 31, 2007, ICF-MR providers will be required to submit all IAF data electronically.

Rule 5101:3-3-73.1 entitled "Intermediate care facilities for the mentally retarded (ICFs-MR) case mix assessment instrument: Individual Assessment Form (IAF)" establishes the process ICFs-MR must follow when performing resident assessments. The rule replaces, in part, rule 5101:3-3-75 that is being proposed for rescission. The rule proposed for adoption identified the assessment instrument that must be used, the instructions that must be followed when completing the IAF, and the certification form that must be submitted with the assessments of residents of intermediate care facilities for the mentally retarded. In addition, effective December 31, 2007, this rule will require all ICFs-MR to submit the IAF data electronically. The new numbering of this rule is part of an overall project by the Bureau of Long Term Care Facilities to reorganize the rules pertaining to reimbursement of NFs and 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 the components of the Medicaid reimbursement methodology for the ICF-MR direct care payment system including the resident assessment classification system for ICF-MR residents. It replaces, in part, rule 5101:3-3-76 that is being proposed for rescission. The rule being proposed for adoption eliminates language regarding the RACS default classification since the ODJFS IAF submission software precludes records from grouping in the default classification, thus resulting in records grouping in one of the four remaining resident assessment classifications. The new numbering of this rule is part of an overall project by the Bureau of Long Term Care Facilities to reorganize the rules pertaining to reimbursement of NFs and ICFs-MR.

Rule 5101:3-3-73.4 entitled "Exception review process for intermediate care facilities for the mentally retarded (ICFs-MR)" sets forth protocols for the exception review process and the process for requesting a reconsideration of exception review findings. This rule replaces, in part, rule 5101:3-3-85.1 that is being proposed for rescission. The rule being proposed for adoption sets forth the process for selecting facilities for exception reviews including the components of a risk analysis profile. The definitions contained in this rule were expanded to include definitions for the terms "variance" and "unverified IAF record" to improve clarity. The parameters for determining when ODJFS will conduct an expanded exception review are clarified in this rule. The rule provides additional detail about the process for a provider to request a rate reconsideration of the results of an exception review. The new numbering of this rule is part of an overall project by the Bureau of Long Term Care Facilities to reorganize the rules pertaining to reimbursement of NFs and ICFs-MR.

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 rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule 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 rule or comments on the rule 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. Comments received may be reviewed at this address.