

PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: March 2, 2009  
TIME: 10:00 a.m.  
LOCATION: Room 3110B, Rhodes State Office Tower  
30 East Broad Street, Columbus, OH 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 rules identified below and of a public hearing on these proposed rules.

Rule 5101:3-11-01, now titled Definitions: independent laboratory, portable x-ray supplier, independent diagnostic testing facility (IDTF), and mammography supplier, is being proposed for amendment in order to maintain consistency with rule 5101:3-11-02. This rule sets forth definitions for the indicated Medicaid providers. Mammography suppliers are more clearly distinguished from independent diagnostic testing facilities (IDTFs); for billing and payment purposes within the Ohio Medicaid program, however, they continue to be treated as the same provider type.

Rule 5101:3-11-02, titled Independent laboratory, portable x-ray supplier, and independent diagnostic testing facility: eligible providers, is being proposed for rescission in accordance with the five-year review provisions set forth in section 119.032 of the Ohio Revised Code. This rule, which is being replaced by new rule 5101:3-11-02, sets forth the criteria for participation in the Medicaid program by independent laboratories, portable x-ray suppliers, and independent diagnostic testing facilities (IDTFs).

Rule 5101:3-11-02, titled Provider requirements: independent laboratory, portable x-ray supplier, independent diagnostic testing facility (IDTF), mammography supplier, and other providers of laboratory services, is being proposed for adoption in accordance with the five-year review provisions set forth in section 119.032 of the Ohio Revised Code. This rule, which replaces former rule 5101:3-11-02, sets forth the criteria for participation in the Medicaid program by independent laboratories, portable x-ray suppliers, independent diagnostic testing facilities (IDTFs), and mammography suppliers. Improvements have been made in paragraph structure and organization, in clarity of phrasing, and in referencing of external sources. Instead of requiring supervising physicians of IDTFs to certify in writing every two years that they either own the IDTF or are employed by it and carry out certain responsibilities, this rule now requires written certification "at each renewal of the Ohio medicaid provider agreement" (normally every three years). Explicit criteria for IDTFs and mammography suppliers have been moved from rule 5101:3-11-01, and reference citations have been somewhat simplified.

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.

Any person affected by the proposed rules may obtain copies of them, without charge, at the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio. The proposed rules are also available on the internet at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

Requests for copies of the proposed rules or comments on the proposed rules should be sent:  
by mail to the Ohio Department of Job and Family Services, Office of Legal Services,  
30 East Broad Street, 31st Floor, Columbus, OH 43215-3414;  
by fax to (614) 752-8298; or  
by e-mail to [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).