

LEGAL NOTICE**STATE OF OHIO
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
COLUMBUS, OHIO**

Pursuant to section 5111.02 and Chapter 119. of the Revised Code, and section 1902 (a)(13)(A) of the Social Security Act, the Director of the Department of Job and Family Services gives notice of the department's intent to amend rules 5101:3-3-20, 5101:3-3-20.2, 5101:3-3-26, 5101:3-3-43, 5101:3-3-49, 5101:3-3-50.1, 5101:3-3-53, 5101:3-3-56, 5101:3-3-78, 5101:3-3-82, 5101:3-3-83.1, 5101:3-3-84.4, 5101:3-3-86, and 5101:3-3-89, and rescind rule 5101:3-3-24.2 of the Administrative Code on a proposed permanent basis, and of a public hearing upon the proposed permanent amendments and proposed rescission.

These rules are being proposed for permanent amendment pursuant to section 119.032 of the Revised Code, which requires the review of all state agency rules within a five year period. The following amendments resulted from this review:

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 medicaid cost report disclosure and record retention requirements for nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR). This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-20.2 entitled Nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR) medicaid cost report sets forth the mechanism by which the nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR) should report incurred operational costs. The cost report is located in Appendix A of this rule. Schedule C-2 of the cost report titled OWNERS / RELATIVES COMPENSATION has been updated to state (OTHER THAN COMPENSATION FOR FACILITY ADMINISTRATOR DUTIES) directly under the schedule title. The ODJFS Medicaid cost report form identification has been changed from ODHS 2524 to JFS 02524.

This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-26 entitled Nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR): implementation of timely rates sets forth the dates by which the ODJFS will calculate rates to pay nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR). This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-43 entitled Nursing facilities (NFs): method for establishing the total prospective rate sets forth the method for establishing the total prospective rate for nursing facilities. This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-49 entitled Nursing facilities (NFs): method for establishing the other protected cost component of the total prospective rate sets forth the method for establishing the other protected cost

component of the total prospective rate for nursing facilities. This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-50.1 entitled Method for establishing the out-of-facility meal cost limits for nursing facilities (NFs) sets forth the method for establishing the out-of-facility meal cost limits for nursing facilities. This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-53 entitled Nursing facilities (NFs): Rates for providers new to the medical assistance program and providers that change provider agreements sets forth the method for establishing the other protected cost component of the total prospective rate for nursing facilities. This rule is being amended to insert a previously omitted period in paragraph (A)(1)(a)(iii), and to update cite references in paragraphs (B)(1)(a)(iii) and (iv).

5101:3-3-56 entitled Nursing facilities (NFs): nonreimbursable costs sets forth a description of costs not reimbursable to NFs through the prospective reimbursement cost reporting mechanism. This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-78 entitled Intermediate care facilities for the mentally retarded (ICFs-MR): the method for establishing the total prospective rate for intermediate care facilities for the mentally retarded (ICFs-MR) sets forth the method for establishing the total prospective rate for intermediate care facilities for the mentally retarded (ICFs-MR). This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-82 entitled Intermediate care facilities for the mentally retarded (ICFs-MR): method for establishing the other protected cost component of the prospective rate sets forth the method for establishing the other protected cost component of the total prospective rate for intermediate care facilities for the mentally retarded (ICFs-MR). This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-83.1 entitled Method for establishing the out-of-facility meal cost limits for intermediate care facilities for the mentally retarded (ICFs-MR) sets forth the method for establishing the out-of-facility meal cost limits for intermediate care facilities for the mentally retarded (ICFs-MR). This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-84.4 entitled Intermediate care facilities for the mentally retarded (ICFs-MR): return on equity sets forth the method for establishing the return on equity for intermediate care facilities for the mentally retarded (ICFs-MR). This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-86 entitled Intermediate care facilities for the mentally retarded (ICFs-MR): Rates for providers new to the medical assistance program and providers that change provider agreements sets forth the method for establishing the per diem rates for providers new to the medical assistance program and providers that change provider agreements intermediate care facilities for the mentally retarded (ICFs-MR). This rule is proposed for permanent amendment to change the agency name from

the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

5101:3-3-89 entitled **Intermediate care facilities for the mentally retarded (ICFs-MR): nonreimbursable costs** sets forth a description of costs not reimbursable to ICFs-MR through the prospective reimbursement cost reporting mechanism. This rule is proposed for permanent amendment to change the agency name from the Ohio Department of Human Services to the Ohio Department of Job and Family Services.

The following rule is being proposed for permanent rescission:

5101:3-3-24.2 entitled **Bureau of workers compensation premium increases** sets forth the methodology to address 1998 workers compensation rebate when calculating an extreme hardship or extreme circumstance rate adjustment during the time period of January 1999 through December 31, 2000. This rule is being proposed for permanent rescission because it is no longer applicable to prospective rate setting reimbursement.

There is no impact on payment rates as a result of these amendments and rescissions. The department estimates these amendments will not increase or decrease Medicaid expenditures on an annual aggregate basis.

A copy of the proposed rules is available for review in each county department of Job and Family Services. A copy of the rules is also available, without charge, at the address listed below and on the Internet at: <http://www.state.oh.us/odhs/legal/index.htm> and selecting the correlating rule title.

A public hearing on the proposed rules will be held on July 29, 2003 at 10:00 a.m. in room 1823, 30 East Broad Street, Columbus, Ohio. Either written or verbal testimony on the proposed rules will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the hearing will be treated as testimony.

Requests for a copy of the proposed rule or the written comments on the proposed rule should be submitted by mail to the Office of Legal Services, Ohio Department of Job and Family 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. Written comments received by ODJFS may be reviewed at the address listed above.