

FEDERAL MEDICAID NOTICE AND PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: June 12, 2015
TIME: 1:00 P.M.
LOCATION: Rhodes State Office Tower, Lobby Hearing Room
30 East Broad Street, Columbus, Ohio 43215

Pursuant to sections 5162.02, 5162.03, 5164.02, 5166.30, Chapter 119. of the Ohio Revised Code, and 42 C.F.R. 447.205, the director of the Department of Medicaid gives notice of its intent to consider adopting, amending and/or rescinding the rules as identified below and of a public hearing thereon. Pursuant to section 5164.77 of the Ohio Revised Code, and upon the Ohio General Assembly's direction to modernize the way Ohio Medicaid pays for nursing and aides services, the Ohio Department of Medicaid has undertaken a redesign of the rate-setting methodology for nursing and aide services available through the Medicaid State Plan and home and community-based service waivers. The Ohio Department of Medicaid engaged an actuary to study factors such as labor market data, education and licensure status of providers, whether providers are independent contractors or home health agencies, and the length of time of service visits to assist in the development of the proposed rate modifications. As a result, Ohio Medicaid is going from a methodology that pays a front-loaded, base hourly rate for initial nursing and aide service time to one that ensures that all providers are present and providing services for a minimum of 35 minutes in order to bill for the Medicaid base rate. Additionally, registered nurses (RN) and licensed practical nurses (LPN) are currently paid the same rate, and the proposed rate modifications will recognize the advanced education and skill level of RNs. The rate modernization also includes the creation of two new Medicaid State Plan services: RN assessment and RN consultation.

Nursing and aide rate modernization for home care attendant services available under the Ohio Department of Medicaid-administered waivers is reflected in proposed OAC rule 5160-46-06.1, described below. The rate modernization is also reflected in proposed changes to the ODM-administered waiver services set forth in OAC rule 5160-46-06, as well as in proposed changes to Medicaid State Plan home health and private duty nursing services set forth in OAC rules 5160-12-05, 5160-12-06 and 5160-12-07, along with the creation of OAC rule 5160-12-08.

No revenues or expenditures are projected during the current biennium as a result of these proposed changes. Upon implementation in July 2015, the proposed rate changes, along with the costs associated with the creation of the two new Medicaid State Plan nursing services, are projected to

increase aggregate spending by approximately \$19.8 million (all funds) over the SFY 2016/2017 biennium. Projections are based on estimated service utilization, the new payment methodology and the new rates.

OAC Rule 5160-46-04.1, Ohio Home Care Waiver: Home Care Attendant Services, is being proposed for rescission as a result of five-year review. It is being replaced with a new OAC rule 5160-46-04.1. This rule sets forth the requirements a home care attendant must meet in order to provide home care attendant services, as well as the requirements the attendant must follow when providing services. The individual receiving home care attendant services can train the home care attendant in cooperation with the authorizing health care professional.

OAC Rule 5160-46-04.1, Ohio Home Care Waiver: Home Care Attendant Services, is being proposed for adoption. It is replacing existing OAC rule 5160-46-04.1 that is being rescinded as a result of five-year review. This rule sets forth the service specifications and provider requirements for home care attendant services under the Ohio Home Care Waiver. The content of the rule is not changing. However, requirements are being reordered for clarity, and terminology is being updated (e.g. Ohio Department of Medicaid, individual instead of consumer).

OAC Rule 5160-46-06.1, Ohio Home Care Waiver Program: Home Care Attendant Services Reimbursement Rates and Billing Procedures, is being amended as a result of five-year review and to establish a new rate setting methodology and reimbursement rates for the home care attendant service. This rule modifies the definitions of base rate and unit rate for the home care attendant service, removes requirements that are duplicated in other rules, and updates Administrative Code cites and terminology used to describe Ohio Home Care Waiver participants.

A copy of each of the proposed rules, including the additional rate modernization rules cited herein, is available at the address listed below and without charge, to any person affected by the rules and at the county department of job and family services. The proposed 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 Medicaid, Office of Legal Counsel, 50 West Town Street, 4th Floor,

Columbus, Ohio 43218, by fax at (614) 752-3986, or by e-mail at rules@medicaid.ohio.gov.
Comments received may be reviewed upon request.