

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

**DATE:** November 15, 2018

**TIME:** 1:00 PM

**LOCATION:** Rhodes State Office Tower, Multipurpose Hearing Room, 30 East Broad Street, Columbus, Ohio 43215

Pursuant to Chapter 119. of the Revised Code, the director of the Ohio Department of Medicaid (ODM) gives notice of the Department's intent to file as new the rules identified below and of a public hearing thereon.

**OAC rule 5160-44-13, entitled "Nursing facility-based level of care home and community-based services programs: home modification services,"** is being proposed as new to implement home modification services in Chapter 5160-44 of the Administrative Code. This rule sets forth the service description, authorization process and amount, services limitations and provider requirements. It replaces language currently set forth in Rule 5160-46-04 of the Administrative Code.

**OAC rule 5160-44-17, entitled "Nursing facility-based level of care home and community-based services programs: out-of-home respite,"** is being proposed as new to implement out-of-home respite services in Chapter 5160-44 of the Administrative Code. This rule sets forth the service description, provider qualifications and clinical record keeping requirements. It replaces language currently set forth in Rule 5160-46-04 of the Administrative Code.

**OAC rule 5160-44-22, entitled "Nursing facility-based level of care home and community-based services programs: waiver nursing services,"** is being proposed as new to implement waiver nursing services in Chapter 5160-44 of the Administrative Code. This rule sets forth the service description, limitations, provider qualifications and requirements, and clinical record keeping requirements. It replaces language currently set forth in Rule 5160-46-04 of the Administrative Code.

**OAC rule 5160-44-27, entitled "Nursing facility-based level of care home and community-based services programs: home care attendant services,"** is being proposed as new to implement home care attendant services in Chapter 5160-44 of the Administrative Code. This rule sets forth the definitions related to the rule, service description, individual expectations, provider qualifications and requirements, and clinical record keeping requirements. This rule is replacing rule 5160-46-04.1 of the Administrative Code.

**OAC Rule 5160-44-31 "Nursing facility-based level of care home and community-based services programs: provider conditions of participation,"** is being proposed as new to implement the HCBS provider conditions of participation in Chapter 5160-44 of the Administrative Code. This rule sets forth the core conditions of participation a provider must meet to furnish services to an individual enrolled in an ODM-administered waiver program. It is similar to rule 5160-45-10 of the Administrative Code.

**OAC rule 5160-46-04.1, entitled “Ohio home care waiver program: home care attendant services,”** is being proposed for rescission and will be replaced by rule 5160-44-27 of the Administrative Code.

**OAC rule 5160-46-04, entitled “Ohio home care waiver: definitions of the covered services and provider requirements and specifications,”** is being proposed for rescission and replacement to align with implementation of HCBS rules in Chapter 5160-44 of the Administrative Code. This rule sets forth the covered services and provider requirements for nursing facility-based HCBS waivers administered by ODM. Waiver nursing, home delivered meals, home modification, emergency response and out of home respite services are being removed from this rule and implemented in Chapter 5160-44 of the Administrative Code.

The proposed rules are 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, 4<sup>th</sup> Floor, Columbus, Ohio 43218, by fax at (614) 995-1301, or by e-mail at [rules@medicaid.ohio.gov](mailto:rules@medicaid.ohio.gov). Comments received may be reviewed upon request.