

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: May 15, 2020

TIME: 11:00 A.M.

Teleconference Phone Number 614-721-2972

Teleconference Pin 355231499#

Pursuant to Chapter 119. and section 5164.02 of the Revised Code and 42 CFR 447.205, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the adoption, amendment, or rescission of the rule or rules identified below and of a public hearing thereon.

Rule 5160-35-01, entitled "Definitions" sets forth terms and definitions used in Chapter 5160-35 of the Administrative Code.

Rule 5160-35-02, entitled "Qualifications to be a medicaid school program (MSP) provider" sets forth the qualifications to become and the requirements for a medicaid school program (MSP) provider.

Rule 5160-35-04, entitled "Reimbursement for services provided by medicaid school program (MSP) providers" sets forth the provisions for claiming and cost reconciliation to receive medicaid reimbursement for the provision of services by medicaid school program (MSP) providers as defined in Chapter 5160-35 of the Administrative Code.

Rule 5160-35-05, entitled "Services authorized for medicaid coverage that can be provided by medicaid school program (MSP) providers" sets forth the services authorized for medicaid coverage that a MSP provider can provide, and to set forth the conditions for providing the services.

Rule 5160-35-06, entitled "Other services, medical supplies and equipment authorized for medicaid coverage that can be provided by medicaid school program (MSP) providers" sets forth the services authorized for Medicaid coverage, beyond those indicated in rule 5160-35-05 of the Administrative Code, that a MSP provider can provide, and to set forth the conditions for providing the services.

Some of the recommended changes to the rules that are currently in effect include:

- Throughout: Some chapter and rule numbers references were updated.
- Throughout: Minor grammatical changes were made.
- Throughout: Correction of inconsistent language and rule citations throughout.
- Throughout: Renumbering of some sections for accuracy.
- Throughout: Changes to regulatory restrictive words (e.g.: "shall," "must," "require," "shall not," "may not," and "prohibit") in accordance with section 121.95 of the Ohio Revised Code as enacted under House Bill 166.
- *5160-35-01 Definitions*: Added a definition for Telehealth in accordance with OAC 5160-1-18.
- *5160-35-02 Qualifications to be a Medicaid School Program (MSP) provider*: Added a reference to Telehealth as a reimbursable service in accordance with OAC 5160-1-18, and in accordance with guidance previously issued in Medicaid Transmittal Letter Number 11-15 (LTCSTL 11-

15) dated October 19, 2011 which provided guidance to support Medicaid coverage of speech therapy through interactive audio-visual technologies, commonly referred to as telehealth, when provided by Speech-Language Pathologists through the Medicaid School Program (MSP).

- 5160-35-04 Reimbursement for services provided by Medicaid School Program (MSP) providers: Added a reference to Telehealth as a reimbursable service in accordance with OAC 5160-1-18, and in accordance with guidance previously issued in Medicaid Transmittal Letter Number 11-15 (LTCSSSTL 11-15) dated October 19, 2011 which provided guidance to support Medicaid coverage of speech therapy through interactive audio-visual technologies, commonly referred to as telehealth, when provided by Speech-Language Pathologists through the Medicaid School Program (MSP).
- 5160-35-04 Reimbursement for services provided by Medicaid School Program (MSP) provider. Appendix A of this rule, which contains the list of MSP reimbursement codes, will be rescinded, and will now coexist with the general Medicaid reimbursement codes at the following location: <https://www.medicaid.ohio.gov/provider/feescheduleandrates>

Pursuant to Section twelve of Am. Sub. H. B. No. 197 ODM will hold the public hearing for this rule package via teleconference. The phone number and pin and the date and time for this hearing are listed at the top of this Notice. All interested parties are invited to participate in the public hearing. Oral and written testimony will be accepted for this hearing and will be given the same consideration. Those who want to give oral testimony are asked to send an email to Rules@Medicaid.Ohio.gov no later than one hour before the hearing to be added to the witness list. There will be a final call at the end of the hearing for those who wish to offer oral testimony but are not yet on the witness list.

Written comments submitted via fax, United States Postal Service, and email that are received or postmarked no later than the day of the hearing will be accepted as testimony and become part of the hearing record. All testimony will become public record; therefore, the Ohio Department of Medicaid asks that protected health information only be included if the information belongs to the person submitting the testimony or a person for which the submitter is a legal guardian. Written testimony sent via email is highly recommended, all testimony received via email will receive a confirmation of receipt.

A copy of the proposed rule is available, without charge, to any person at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. Requests for a copy of the proposed rule or comments on the rule should be submitted by mail to the Ohio Department of Medicaid, Office of Legal Counsel, 50 W. Town Street, Suite 400, Columbus, Ohio 43215-3414, by fax at (614) 995-1301, or by e-mail at Rules@Medicaid.Ohio.gov