

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: August 16, 2021

TIME: 10:30 AM

Teleconference Dial-in Phone Number: 1-614-721-2972

Teleconference Pin : 789415532#

Link to Microsoft Teams Meeting for Hearing: [Click here to join the meeting](#)

In-Person Location: 50 West Town Street, Room A501, Columbus, Ohio 43215

Pursuant to Chapter 119. and section 5166.02 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the adoption, amendment, or rescission of the rules identified below and of a public hearing thereon.

Rule 5160-36-04, entitled Program of all-inclusive care for the elderly (PACE): enrollment and disenrollment, describes the enrollment and disenrollment processes for participants served under the Medicaid-funded PACE program. It is being amended to update policy related to the administration of the PACE program and the ongoing COVID-19 public health emergency. Paragraph (C) is being amended to reflect the conditions and manner a PACE organization may initiate involuntary disenrollment. Paragraph (D) is being amended to reflect that an individual will not be disenrolled from Medicaid-funded PACE if disenrollment will result in losing eligibility for Ohio Medicaid, unless the individual requests disenrollment, moves out of state, or dies.

Rule 5160-44-31, entitled Ohio department of medicaid (ODM)-administered waiver programs: provider conditions of participation, describes provider conditions of participation for services outlined in OAC Chapters 5160-44 and 5160-46. It sets forth what a service provider shall and shall not do while providing services to individuals. Paragraph (C) regarding electronic visit verification (EVV) is being modified to apply to all ODM-administered waivers instead of just the Ohio Home Care Waiver. Paragraph (F) is being amended to expand allowances regarding a court appointed guardian serving in the role of a provider with the following exceptions: an attorney or agency serving in the role of guardian may not a provider.

Rule 5160-45-03, entitled Ohio department of medicaid (ODM) -administered waiver program: individual rights and responsibilities, describes the rights and responsibilities of individuals who are enrolled on an ODM administered waiver program. It is being amended as a result of five-year review. Paragraph (A) is amended to reflect that an individual has the right to conduct person-centered training of their waiver service providers. Paragraph (A) was also amended to reflect requests for change of case management agencies are subject to ODM approval. This rule is also amended to update terminology and rule citations.

Rule 5160-45-04, entitled Ohio department of medicaid (ODM) -administered waiver program: provider enrollment process, describes the enrollment process for Ohio Department of Medicaid (ODM) administered waiver service providers. It is being amended as a result of five-year review. Proposed changes include updated terminology and rule-citations, so as not to duplicate requirements found in other Administrative Code rules.

Rule 5160-45-06, entitled Ohio department of medicaid (ODM) -administered waiver program: structural reviews of providers and investigation of provider occurrences, describes the process and requirements for conducting

structural reviews of ODM-administered waiver service providers to ensure providers' compliance with ODM-administered waiver requirements. Pursuant to Appendix K COVID-19 provisions, paragraph (B)(11) is added to permit ODM, at its sole discretion, to choose to suspend a provider's structural review.

Rule 5160-46-04, entitled Ohio home care waiver: definitions of the covered services and provider requirements and specifications, describes the definitions of services, provider requirements and specifications for the delivery of Ohio Home Care Waiver services. The rule is being amended to correct a typographical error in paragraph (A)(8)(a)(ii) regarding a COVID-19 provision. Specifically, it will permit first aid to be provided by a course that is not solely through the internet and that may not have to include hands-on training by a certified first aid instructor with performance of a successful return demonstration of what was learned in the course. This rule is also amended to update terminology and rule citations.

Rule 5160-46-06.1, entitled Ohio home care waiver program: home care attendant services reimbursement rates and billing procedures, describes the reimbursement rates and billing procedures for the home care attendant services provided through the Ohio Home Care Waiver. This rule is being amended to add rate and billing code information that was previously omitted from the rule in error. The rule is also being amended to update terminology and rule citations.

ODM will hold the public hearing for this rule package via teleconference and in-person. The date and time for the public hearing are listed at the top of this Notice as well as the phone number, PIN (access code), and link for teleconference attendance, and location. All interested parties are invited to participate in the public hearing. Both oral and written testimony will be accepted for this hearing and will be given the same consideration. Persons who want to give oral testimony are asked to send a message by e-mail 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 persons who wish to offer oral testimony but do not yet appear on the witness list.

Written comments submitted by e-mail, postal mail, or fax that are received or postmarked no later than the day of the hearing will be accepted as testimony and will become part of the hearing record. All testimony will become public record; therefore, ODM asks that protected health information (PHI) be excluded unless the information belongs to the person submitting the testimony or to a person for which the submitter is a legal guardian. Written testimony sent by e-mail is highly recommended. All persons who submit testimony by e-mail will be sent a confirmation of receipt.

A copy of the proposed rules are 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 rules or comments on the rules 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.