

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: April 13, 2023
TIME: 11:00 a.m.
Teleconference Dial-in Phone Number: 1-614-721-2972
Teleconference Pin: 412696708#
Link to Microsoft Teams Meeting for Hearing: [Click here to join the meeting](#)
LOCATION: Room A501, Lazarus Building
50 W Town St., Columbus, Ohio 43215

Pursuant to Chapter 119. and sections 5162.03 and 5163.02 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the amendment of the rule identified below and of a public hearing thereon.

Rule 5160-1-05.1 titled "Payment for 'Medicare Part C' cost sharing" is up for five-year rule review and is being proposed for rescission as more than fifty (50) percent of the rule language is being amended. A new rule 5160-1-05.1 "Payment for 'Medicare Part C' cost sharing" is being proposed to replace the rescinded rule.

This rule describes the ODM reimbursement methodology to pay the cost sharing charges for medical services provided to qualified Medicare and Medicaid beneficiaries dually enrolled in Medicaid and a Medicare Part C Medicare Advantage Plan. The rule ODM is proposing as new removes multiple regulatory restrictions in accordance with section 121.95 of the Revised Code, adds a specification that costs over the medicare advantage (MA) plan's maximum out-of-pocket (MOOP) limit are excluded from cost-sharing payment requirements with a CFR reference for such exclusion, adds references regarding document retention, and includes clarifying language regarding the lesser-of methodology used to calculate appropriate cost sharing payments.

ODM will hold the public hearing for this rule package via teleconference and in-person. All in-person attendees are required to follow Lazarus building COVID-19 safety protocols when inside the ODM office. ODM will not require masks for individuals entering the building. However, visitors are welcome to wear masks if that is their preference. Masks are encouraged if visitors are not up to date with vaccine and boosters, have an immune disorder, or chronic medical condition(s). ODM encourages social distancing in all areas of the office. 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 for in-person attendance.

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. Those attending in person can be added to the witness list at the hearing. There will be a final call at the end of the hearing for persons who wish to offer oral testimony but are not yet on the witness list.

Written comments submitted in-person, 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 rule is available, without charge, to any person at the address listed below. The rule is 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.

ODM is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act (ADA), Title VI of the Civil Rights Act, and other applicable laws. To request an interpreter, written information in a language other than English or in other formats (large print, audio, accessible electronic formats, other formats), or a reasonable accommodation due to a disability, please contact ODM's Civil Rights/ADA Coordinator at 614-995-9981/TTY 711, Fax 1-614-644-1434, or Email: ODM_EEO_EmployeeRelations@medicaid.ohio.gov. Requests should be made at least three (3) business days prior to the scheduled hearing. If you believe ODM has failed to provide these services or discriminated in another way, you can file a grievance with ODM's Civil Rights Coordinator and/or file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights. Further information on these processes and ODM's compliance with civil rights and other applicable laws can be found here: [Notice of Nondiscrimination](#).