

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: June 12, 2023

TIME: 11:00 a.m.

Teleconference Phone Number: 1-614-721-2972

Teleconference Pin: 754070789#

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

In-Person Location: 50 W Town St Ste 400, Columbus, OH 43215, Room A501

Pursuant to Chapter 119. and section 5164.02 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 rules identified below and of a public hearing thereon.

Rule 5160-1-06.1, entitled "Home and community-based service waivers: PASSPORT," sets forth the covered services and the maximum allowable rates for services furnished under the PASSPORT waiver. The proposed amendment removes the waiver non-emergency medical transportation (NEMT) service. The removal of the waiver NEMT service is in compliance with Centers for Medicare and Medicaid Services (CMS) directive. CMS determined the service as duplicative of NEMT services required through Medicaid state plan services. Per CMS directive, individuals enrolled on the PASSPORT waiver program will utilize state plan Medicaid NEMT services to meet needs for transportation for medical appointments. Individuals and their case managers will work with the local county department of job and family services to access the transportation services available through Ohio's Medicaid State Plan Option. The proposed amendment also includes an abbreviation. Also Am. Sub. H. B. 166 (133rd G. A.) lists six terms that cause a rule to be deemed to contain regulatory restrictions: 'shall,' 'shall not,' 'must,' 'may not,' forms of 'require,' and forms of 'prohibit.' All of these terms have been removed and the passages in which they appeared have been recast.

Rule 5160-31-05, entitled "PASSPORT HCBS waiver program covered services," sets forth the covered services furnished by the waiver. The proposed amendment removes the waiver non-emergency medical transportation (NEMT) service. The removal of the waiver NEMT service is in compliance with Centers for Medicare and Medicaid Services (CMS) directive. CMS determined the service as duplicative of NEMT services required through Medicaid state plan services. Per CMS directive, individuals enrolled on the PASSPORT waiver program will utilize state plan Medicaid NEMT services to meet needs for transportation for medical appointments. Individuals and their case managers will work with the local county department of job and family services to access the transportation services available through

Ohio's Medicaid State Plan Option. The proposed amendment also includes correcting typographical errors and terminology.

Rule 5160-31-07, entitled "PASSPORT HCBS waiver program rate setting," sets forth the rate methodologies used to determine provider reimbursement in the PASSPORT waiver program. The proposed amendment removes the waiver non-emergency medical transportation (NEMT) service. The removal of the waiver NEMT service is in compliance with Centers for Medicare and Medicaid Services (CMS) directive. CMS determined the service as duplicative of NEMT services required through Medicaid state plan services. Per CMS directive, individuals enrolled on the PASSPORT waiver program will utilize state plan Medicaid NEMT services to meet needs for transportation for medical appointments. Individuals and their case managers will work with the local county department of job and family services to access the transportation services available through Ohio's Medicaid State Plan Option. The proposed amendment also includes correcting typographical errors and restructuring of sentences.

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 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, ODM asks that protected health information 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 via email is highly recommended. All testimony received via email will receive a confirmation of receipt.

A copy of the proposed rules 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 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.

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](#).