

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

Date: November 16<sup>th</sup>, 2023

Time: 11:00 a.m.

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

Teleconference Pin: 979214672#

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

In-Person Location: 50 W. Town Street, Suite 400, Columbus, Ohio 43215-3414, Room A535

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 planned proposed amendment includes an increase to the maximum allowable reimbursement for adult day, choices home care attendant, community integration, enhanced community living, home care attendant, home delivered meals, homemaker, personal care, and waiver nursing services set forth in Appendix A as a result of house bill 33.

Rule 5160-1-06.5, entitled "Home and community based services (HCBS) waivers: assisted living," is the rule that sets forth the covered services and the maximum allowable rates for services furnished under the assisted living waiver. The planned proposed amendment includes an increase to the maximum allowable reimbursement for the assisted living service set forth in Appendix A as a result of house bill 33. In addition, 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. Additionally, in Appendix A, Tiers 1 and 2 will be collapsed into the same per diem rate and the former Tier 3 will represent a new memory care assisted living service tier for individuals who need additional support especially as it relates to higher personnel cost needed for support of individuals with a form of dementia.

Rule 5160-12-05, entitled "Reimbursement: home health services," sets forth the definitions and billing procedures for providers of home health under Ohio's Medicaid State Plan. The planned proposed amendment includes an increase to the maximum allowable reimbursement for the home health services set forth in Appendix A and Appendix B as a result of house bill 33. In addition, 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 5160-12-06, entitled "Reimbursement: private duty nursing services," sets forth the definitions and billing procedures for providers of private duty nursing services under Ohio's Medicaid State Plan. The planned proposed amendment includes an increase to the maximum allowable reimbursement for the private duty nursing services set forth in Appendix A and

Appendix B as a result of house bill 33. In addition, 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 5160-46-06, entitled "Ohio home care waiver program: reimbursement rates and billing procedures," is the rule that sets forth the covered services and maximum allowable rates for services furnished under the Ohio home care waiver. The planned proposed amendment includes an increase to the maximum allowable reimbursement for waiver nursing, personal care, adult day, home delivered meal, supplemental transportation, and community integration services as a result of house bill 33. In addition, 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. An update to an effective date for a statutory citation is also being made.

Rule 5160-46-06.1, entitled "Ohio home care waiver program: home care attendant services reimbursement rates and billing procedures," is the rule that sets forth the maximum allowable rates for home care attendant services furnished under the Ohio home care waiver. The planned proposed amendment includes an increase to the maximum allowable reimbursement for home care attendant services as a result of house bill 33. In addition, 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.

ODM will hold the public hearing for this rule package via teleconference and in-person. ODM will not require masks for individuals attending in person. However, visitors are welcome to wear masks if that is their preference. 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](mailto: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 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](mailto: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](mailto: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](#).\*\*