

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

DATE: January 2, 2024

TIME: 11:00

Teleconference 614-721-2972

Teleconference Pin 523806355#

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

In-Person Location 50 W. Town Street, Columbus, OH 43215, Room A501

Pursuant to Chapter 119. and section 5167.02, 5164.02, and 5166.02 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 5160-59-03.4**, entitled "OhioRISE: Behavioral Health Respite Services", defines the eligible providers able to render the service; settings where the service can be provided, and limitations to the service. This rule is proposed for amendment to add language to clarify the meaning of "established relationship" and to clarify the circumstances when the service can be provided in a foster care setting.

**Rule 5160-59-03.5**, entitled "OhioRISE: Primary Flex Funds", defines primary flex funds as a service, sets yearly amount available, how it can be used to purchase services along with setting the limitations. It also includes financial management services as the primary provider and condition of participation. This rule is proposed for amendment to align the rule language with the changes that the Ohio Department of Developmental Disabilities made to their similar Medicaid waiver service, Participant-Directed Goods and Services, in 2022.

**Rule 5160-59-05.1**, entitled "OhioRISE 1915(c) Waiver: Out of Home Respite", defines the eligible providers able to render the out of home respite as the service included in the 1915(c) waiver along with the settings where the service can be provided, and limitations to the service. This rule is proposed for amendment to remove Psychiatric Residential Treatment Facilities (PRTFs) as an allowed provider of this service.

**Rule 5160-59-05.2**, entitled "OhioRISE 1915(c) Waiver: Transitional Services and Supports", defines the eligible providers able to render the service, settings where the service can be provided, and limitations to the service. This rule is proposed for amendment to make technical corrections.

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 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](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](#).