

**Note:** Upload completed document to the Electronic Rule Filing System.

Hearing Date: 2/7/2020

Today's Date: 2/19/2020

Agency: Ohio Department of Medicaid

Rule Number(s): OAC 5160-1-06.1, 5160-1-06.5 and 5160-46-06

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If no comments at the hearing, please check the box. ☐

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Ohio Assisted Living Association (all rules)

2. LeadingAge Ohio (all rules)

3. Ohio Health Care Association (all rules)

4. Ohio Aging Advocacy Coalition (all rules)

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## Hearing Summary Report

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

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Overall, there is support and appreciation among those who testified for the proposed increases in reimbursement for personal care, assisted living and enhanced community living services in the HCBS waiver programs. However, advocates believe the increases should be greater than what was proposed. The biennial budget call for a 5.1% increase for these services in the PASSPORT, Assisted Living and MyCare Ohio waivers, and that was vetoed. ODM and ODA subsequently proposed a 3.25% increase and suggested it could be emergency filed as early as October 2019. The emergency filing did not occur and through this filing, the earliest effective date will be March 23, 2020. Advocates believe the increases should either be retroactive to October 1, 2019, or increased further.

## Hearing Summary Report

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

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No comments were incorporated into the proposed rules.

Consistent with the department's commitment during the HB 166 biennial budget deliberations, ODM is investing in the home and community-based waiver delivery system. The original budget appropriation was based on increasing the maximum reimbursement rate for two waiver services: personal care and assisted living. The appropriation didn't account for the impact on the MyCare waiver and any rate changes in the fee-for-service waivers' impact on the MyCare capitation rates.

The 3.25% is based on the historical utilization of the services in the MyCare, PASSPORT, Ohio Home Care waivers. The proposed amount ensures the rate increase is sustainable at the level appropriated in future budgets. A continuation of a higher increase may not be feasible beyond 6/30/2021.