

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: JANUARY 14, 2021

TIME: 11:00 A.M.

TELECONFERENCE PHONE NUMBER: 614-721-2972

TELECONFERENCE PIN: 2715167984#

Pursuant to Chapter 119. and section 5164.02 of the Ohio 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 to hold a public hearing on this rule.

Rule 5160-4-33, "Application of topical fluoride varnish by non-dentist providers," sets forth coverage and payment provisions for the topical application of fluoride to the teeth of children younger than six years of age by a physician, physician assistant, or advanced practice registered nurse.

As a result of the review process set forth in section 106.03 of the Ohio Revised Code ("five-year review"), three changes are being made to the rule text:

- A phrase deemed to constitute a regulatory restriction ('must provide') is recast as a verb in the present tense ('provides').
- The form 'diagnosis' is corrected to 'diagnostic' in the identification of EPSDT.
- The relationship between fluoride application and an evaluation and management (E&M) service is clarified. Payment for the application of fluoride varnish is made separately from payment for a well child visit or a sick child visit.

Pursuant to Am. Sub. H. B. No. 404 (133rd G. A.), ODM will hold the public hearing for this rule package via teleconference. The date, time, phone number, and PIN (access code) this hearing are listed at the top of this Notice. 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. There will be a final call at the end of the hearing for persons who wish to offer oral testimony but do not yet appear on the witness list.

Written comments submitted 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 this rule is available to any person, without charge, at the following locations:

Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, OH 43215 or

On the internet at <http://www.registerofohio.state.oh.us>.

Requests for a copy of the proposed rule or comments on the rule may be submitted in any of the following ways:

By mail to the Office of Chief Legal Counsel, Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, OH 43215-3414;

By fax to (614) 995-1301; or

By e-mail to rules@medicaid.ohio.gov.