

PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID

DATE: May 07, 2021

TIME: 11:00am

Teleconference Dial-in Phone Number 614-721-2972

Teleconference Pin 953421226#

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

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 adoption, amendment, or rescission of the rule identified below and of a public hearing thereon.

Rule 5160-8-41, "Medical nutrition therapy services," sets forth coverage and payment policy for services provided by a dietitian. As a result of five year rule review carried out in accordance with ORC 106.03, this rule is being rescinded and replaced with a new rule of the same number but bearing the tagline "Services provided by a dietitian."

The text of the new rule has been reorganized for the sake of clarity. Federally qualified health centers (FQHCs) and rural health clinics (RHCs) have been added to the list of billing ("pay to") providers. Coverage for lactation counseling services has been added. A payment policy reference to OAC Chapter 5160-28 is included for services provided by a dietitian at an FQHC or RHC site.

The changes are scheduled to take effect on July1, 2021.

Pursuant to Sub. H.B. 404 (133rd General Assembly), amending Section 12 of Am. Sub. H. B. 197 (133<sup>rd</sup> General Assembly), ODM will hold the public hearing for this rule package via teleconference. The phone number and pin and the date and time for this hearing are listed at the top of this Notice. All interested parties are invited to participate in the public hearing. Oral and written testimony will be accepted for this hearing and will be given the same consideration. Those who want to give oral testimony are asked to send an email 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. There will be a final call at the end of the hearing for those 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, the Ohio Department of Medicaid asks that protected health information only be included if the information belongs to the person submitting the testimony or 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 rule is available, without charge, to any person at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. Requests for a copy of the proposed rule or comments on the rule 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).