

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: May 7, 2021

TIME: 11:00 a.m.

TELECONFERENCE PHONE NUMBER: +1 614-721-2972

TELECONFERENCE PIN: 953421226#

MICROSOFT TEAMS LINK FOR HEARING: [Click here to join the meeting](#)

Pursuant to section 5164.02 and Chapter 119. of the Ohio Revised Code (ORC), the director of the Ohio Department of Medicaid (department) gives notice of the department's intent to adopt, amend, or rescind the rules as identified below and of a public hearing thereon.

Rule 5160-2-21.1, entitled "Consumer co-payments for non-emergency emergency department services," is being proposed for rescission. This rule sets forth the policies that establish a consumer co-payment for non-emergency emergency department services as authorized by ORC 5162.20. It also addresses exclusions and additional limitations to the co-payment requirement, establishes the authority of hospital providers to take action to collect co-payments as provided in ORC 5162.20, and defines the department's reimbursement methodology for subtracting the co-payment amount from applicable emergency department claims. This rule is being replaced by new rule 5160-2-77 in order to better align the numbering of hospital rules.

Rule 5160-2-77, entitled "Consumer co-payments for non-emergency emergency department services," is being proposed as a new rule replacing rescinded rule 5160-2-21.1. This rule establishes a consumer co-payment for non-emergency emergency department services as authorized by ORC 5162.20. It also addresses exclusions and additional limitations to the co-payment requirement, establishes the authority of hospital providers to take action to collect co-payments as provided in ORC 5162.20, and defines the department's reimbursement methodology for subtracting the co-payment amount from applicable emergency department claims. In addition to renumbering to align the numbering of hospital rules, the proposed changes to this rule from the rule to be rescinded consist of amending regulatory language to comply with ORC 121.95 and updating citations from the rescinded rule.

Pursuant to Sub. H.B. 404 (133rd General Assembly), amending Section 12 of Am. Sub. H. B. 197 (133rd 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 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 rules are 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.