

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: May 16, 2022

TIME: 10:00 a.m.

Teleconference Dial-in Phone Number: 1-614-721-2972

Teleconference Pin: 916211497#

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

Pursuant to Chapter 119. and section 5168.02 of the Ohio Revised Code (ORC), 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 or rules identified below and of a public hearing thereon.

To be rescinded:

Rule 5160-2-07.17, entitled "Provision of basic, medically necessary hospital-level services," sets forth the provisions for hospitals to provide care under the Hospital Care Assurance Program (HCAP) as required by ORC 5168.14. It is being proposed for rescission and is being replaced with an updated new rule with the same name but different rule number.

To be adopted:

Rule 5160-2-17, entitled "Provision of basic, medically necessary hospital-level services," is being proposed for adoption to replace and renumber rescinded rule 5160-2-07.17 and to update policy.

Rule 5160-2-17 sets forth the provisions for hospitals to provide care under the HCAP as required by ORC 5168.14. The rule includes the eligibility determination, and the billing, notice, documentation, and reporting requirements necessary to operate HCAP.

In rescinding 5160-2-07.17 and replacing it with 5160-2-17, the following changes are being proposed:

- Allowing all hospitals within the same hospital system to use a single approved application for a patient, provided that all other eligibility requirements are still being maintained;
- Allowing hospitals to offer applications that are completed and signed electronically;
- Updating the website reference to the HHS current poverty guideline;

- Removing references to the discontinued Disability Assistance (DA) program;
- Allowing the department's disproportionate share hospital auditor to receive and review hospital records that document compliance;
- Removing regulatory restrictions as defined in R.C. 121.95.

Pursuant to Section three of Sub. H.B. 51 (134th General Assembly), ODM will hold the public hearing for this rule package via teleconference. The phone number, PIN (access code), link for teleconference attendance, 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 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, ODM asks that protected health information 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 via email is highly recommended. All testimony received via email will receive a confirmation of receipt.

A copy of the proposed rule(s) 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(s) or comments on the rule(s) 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.

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. 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](#).