

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: 12/05/22

TIME: 11:00 a.m.

Teleconference Dial-in Phone Number: 1-614-752-2972

Teleconference Pin: 328276756#

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

In-Person Location: A501, Lazarus Building
50 W. Town St., Columbus, OH 43215

Pursuant to Chapter 119. and sections 5160.02 and 5165.02 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the adoption of the rule identified below and of a public hearing thereon.

Proposed for Adoption

Rule 5160-3-33 entitled "Nursing facilities (NFs): Reimbursement of NF relief payments upon sale of business or bed license" sets forth the provisions for recoupment of nursing facility provider relief payments upon the sale of a NF's business or bed licenses. This rule is being proposed for adoption to implement provisions of Section 220.60 of Am Sub HB 169, 134th General Assembly. The rule provides that if proceeds from a sale of a NF's business or bed licenses are less than the relief payment, the NF must reimburse the state the full amount of the sale proceeds. If proceeds from the sale are greater than a NF's relief payment, the full amount of the relief payment must be reimbursed to the state. The rule also provides that ODM will notify a NF if a reimbursement is required and set a deadline for the reimbursement. If the reimbursement is not received by the deadline, reimbursement may be made through offset from Medicaid payments. Finally, the rule provides reconsideration rights for NFs notified that reimbursement is required.

ODM will hold the public hearing for this rule package via teleconference and in-person. All in-person attendees are required to follow Lazarus building COVID-19 safety protocols when inside the ODM office. ODM will not require masks for individuals entering the building. However, visitors are welcome to wear masks if that is their preference. Masks are encouraged if visitors are not up to date with vaccine and boosters, have an immune disorder, or chronic medical condition(s). ODM encourages social distancing in all areas of the office. The date and time for the public hearing are listed at the top of this Notice as well as the phone number, PIN (access code), and link for teleconference attendance, and location for in-person attendance.

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. Those attending in person can be added to the witness list at the hearing. There will be a final call at the end of the hearing for persons who wish to offer oral testimony but are not yet on the witness list.

Written comments submitted in-person, 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 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.

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](#).