

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: February 12, 2024

TIME: 11:00 a.m.

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

Teleconference Pin: 690198374#

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

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

Pursuant to Chapter 119. and sections 5165.02 and 5165.516 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the rescission and replacement of the rule identified below and of a public hearing thereon.

Proposed for Rescission

Rule 5160-3-16.3, entitled "Nursing facilities (NFs): private rooms" sets forth provisions for private rooms in nursing facilities. This rule is being proposed for rescission and is being replaced by new rule 5160-3-16.3, since more than fifty percent of the rule is being amended.

Proposed for Replacement

Rule 5160-3-16.3, entitled "Nursing facilities (NFs): private rooms" sets forth the provisions of the private room coverage policy and reimbursement rates, including incentive payments for approved providers. This rule is being proposed for adoption to implement provisions of Section 5165.158 of Am Sub HB 33, 135th General Assembly. To be eligible for incentive payment, facilities must submit an application and be determined eligible by Ohio Department of Medicaid (ODM), pending approval by the Centers for Medicare and Medicaid Services (CMS) for nursing facility private room incentive payments. This rule is being proposed for adoption and would replace rule 5160-3-16.3, which is being proposed for rescission. The differences between this rule and the rule it is replacing are:

- In paragraph (A)(3), new language is being added regarding providing private room accommodation in accordance with sections 5165.01 and 5165.158 of the Revised Code.
- In paragraphs (B)(1)(2)(3) language is being updated for payment reimbursement for private rooms.
- In paragraph (C)(1)(2), the process to apply and receive the private room incentive payment is being added.
- In paragraph (C)(3), reconsideration language is being added.
- In paragraph (C)(4), change of operator language is being added.
- Regulatory restrictions are being removed throughout the rule.
- Paragraphs are being re-numbered as necessary.

ODM will hold the public hearing for this rule package via teleconference and in-person. ODM

will not require masks for individuals attending in person. However, visitors are welcome to

wear masks if that is their preference. 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](#).