

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF MEDICAID**

DATE: 5/17/2024

TIME: 10:30 a.m.

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

Teleconference Pin: 12092429#

Link to Microsoft Teams Meeting for Hearing: [Join the meeting now](#)

In-Person Location: 50 W Town St Ste 400, Columbus, OH 43215, Room A501

Pursuant to Chapter 119. and section 5166.02 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the rescission and adoption of the rules identified below and of a public hearing thereon.

Rule 5160-1-40 entitled " Electronic visit verification (EVV)" is the rule that sets forth the definitions of terminology unique to the Electronic Visit Verification (EVV) implementation, specifies services subject to EVV requirements, establishes operational requirements for providers of those services and outlines the regulatory foundation for using an alternate data collection component from what is provided by the Department. The rescinded and subsequent new rules provide additional flexibility and clarity for providers who are required to use EVV. This rule is proposed for rescission and chapter 5160-32 created to simplify structure, present in plain language and decrease restrictive requirements. The following proposed changes were also made:

Privacy Considerations:

- Limited use of GPS technology. Person receiving services chooses and gives written permission for GPS use in their home
- EVV devices will no longer be distributed directly to the person receiving services. They will be sent to providers who will have responsibility of maintenance, care and distributing to their own direct care workers.

Administrative burden reduction:

- Requiring FMS vendors to become alt EVV vendors. This will allow self-directed workers to only need to use one system for timekeeping and EVV documentation.
- Removing the requirement of the person receiving services validating the visit.
- Adding a voluntary scheduling feature for providers to allow input of direct care worker schedules.

Alignment with federal requirements:

- Exempting telehealth services (state plan OAC rule chapter 5160-12)
- Exempting live-in direct care workers (following ODM's exemption process for request and approval)

Rule 5160-32-01 entitled “Electronic visit verification (EVV) program” is the rule that describes Ohio medicaid programs and program services subject to participation in the EVV program.

Rule 5160-32-02 entitled “Electronic visit verification (EVV) data collection” is the rule that describes data collection methods and visit data captured as well as potential future impact for lack of adherence to program standards.

Rule 5160-32-03 entitled “Alternate electronic visit verification (EVV) vendor” is the rule that describes allowances for the use of an Alternate EVV vendor in the EVV program.

Rule 5160-32-04 entitled “Electronic visit verification (EVV) program providers” is the rule that establishes Ohio medicaid service provider requirements for services subject to EVV as described in rule 5160-32-01 of the Administrative Code. Including initial and ongoing training requirements, maintenance of records, and the state provided electronic device distribution process.

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](mailto: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 rules are 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 rules or comments on the rules 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).

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](mailto: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](#).