

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: Tuesday, October 14th

TIME: 11:00 a.m.

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

Teleconference Pin: 756179432

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

In-Person Location: 50 W Town Street, Suite 400, Columbus OH 43218, Room A501

Pursuant to Chapter 119. and section 5164.02 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 rules identified below and of a public hearing thereon.

-5160-12-2.3, entitled, "Private duty nursing: procedures for service authorization", describes prior authorization process for private duty nursing services for Medicaid members throughout the state of Ohio. This service is available to those who require continuous nursing service that requires the skills of and is performed by either a registered nurse (RN) or a licensed practical nurse (LPN) at the direction of a registered nurse. The prior authorization process makes sure that individuals meet this criterion prior to start of services.

-5160-12-3, entitled, "Home Health Service Providers", outlines that all agencies that deliver home health services be a medicare certified home health agency (MCHHA). This rule identifies the necessary requirements for those agencies delivering home health services to Medicaid recipients throughout Ohio.

-5160-12-3.1, entitled, "Private Duty Nursing Providers", outlines that all providers that deliver private duty nursing be a medicare certified home health agency (MCHHA), independent nursing provider, or through an otherwise-accredited home health agency. This rule outlines the necessary requirements for those RNs and LPNs delivering private duty nursing services to Medicaid recipients throughout Ohio.

ODM will hold the public hearing for this rule package via teleconference and in-person. The purpose of this filing is to rescind the current verbiage 5160-12-2.3, 5160-12.3.0, 5160-12-3.1. This will allow for a rewrite; to improved clarity for PDN priors authorizations, as well as requirements and differences for homes health and private during nursing providers.

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 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.

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, Section 1557 of the Affordable Care Act, and other applicable laws. To request an interpreter, written information in a language other than English or in other formats (braille, 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 or Section 1557 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](#).