

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF
MEDICAID**

DATE: August 16, 2024

TIME: 11:00 a.m.

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

Teleconference Pin: 42940749#

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

In-Person Location: 50 W. Town Street, Suite 400, Columbus, Ohio 43215-3414, 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, amendment, and rescission of the rules identified below and of a public hearing thereon.

Rule 5160-1-06.1, entitled "Home and community-based service waivers: PASSPORT," sets forth the covered services and the maximum allowable rates for services furnished under the preadmission screening system providing options and resources today (PASSPORT) waiver. The proposed amendment includes the addition of the new service offered to PASSPORT enrollees called structured family caregiving. Structured family caregiving is added to the appendix of this rule. The proposed amendment also includes replacing the rule reference of 5160-31-04 to 5160-31-03 in paragraph (B) due to rule 5160-31-04 being rescinded.

Rule 5160-31-05, entitled "PASSPORT HCBS waiver program covered services", sets forth the covered services furnished by the waiver. The proposed amendment includes the addition of the new service called structured family caregiving to be offered to PASSPORT enrollees.

Rule 5160-31-07, entitled "PASSPORT HCBS waiver program rate setting," sets forth the rate methodologies used to determine provider reimbursement in the PASSPORT waiver program. Per the LSC guidelines, the rule has been proposed as rescind/new as more than fifty percent of the rule has been amended with the addition and rescission of text. The proposed amendment to the rule includes the following:

- Addition of the new service called structured family caregiving to be offered to PASSPORT enrollees.
- Ended regional rates to establish parity between regions and to encourage the growth of the provider network.
- Statutory citation updated.
- Modified language/reformatted requirements for clarification and grammatical errors.
- Removed restrictive language.
- Updated who negotiates a per-job rate.
- Services for statewide unit rates added.

Rule 5160-44-33, entitled "Nursing facility-based level of care home and community-based services programs: structured family caregiving services," defines the new service called structured family caregiving and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. This is a new proposed rule.

Rule 5160-46-06, entitled "Ohio home care waiver program: reimbursement rates and billing procedures," is the rule that sets forth the covered services and maximum allowable rates for services furnished under the Ohio home care waiver. The proposed amendment includes the addition of the new service called structured family caregiving to be offered to Ohio home care waiver enrollees.

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 rules 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 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, 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](#).