

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: August 16, 2024

TIME: 11:00am

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, Columbus, Ohio 43215

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 rescission of the existing rule and adoption of a new rule with the same number on the same subject as identified below and of a public hearing thereon.

Rule 5160-8-42, "Lactation Consultant Services," sets forth coverage and payment policies for services provided by a lactation consultant. This rule is being proposed for rescission to remove barriers for access to the service and a new rule is being proposed to allow additional healthcare practitioners in the professional setting who have also obtained the International Board of Lactation Consultant (IBCLC) credential. These healthcare practitioners include Registered Nurses (RNs) without supervision, Licensed Practical Nurses (LPNs), Physical Therapists, Occupational Therapists, Speech Therapists, Dentists, Dietitians and Pharmacists. The rule also waives the practitioner order specified in rule 5160-1-17 of the Administrative Code.

Payment amounts will be reflected in rule 5160-1-60, "Medicaid Payment."

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 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](#).**

* One of these two choices needs to be selected by the policy area before original file. If first option is chosen the date will be decided after the original file is approved and before the notice is uploaded to ERF.

**This link must be live when uploaded to the ERF system.