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Hearing Date: 5/17/2024

Today's Date: 5/24/2024

Agency: Ohio Department of Medicaid

Rule Number(s): 5160-32-01, 5160-32-02, 5160-32-03, 5160-32-04

If no comments at the hearing, please check the box.

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Jordan A. Burdick, Attorney on behalf of Lindsey Paden Cargill, Director of Bridgeway Therapy Services – OAC Rule 5160-32-1
2. Elizabeth Piazza, LSW, Pearl's Hope Advocacy and Policy Leader – OAC Rule 5160-40, 5160-32-01 and 5160-32-2
3. Mindy Griffin, OT/L, Managing Partner, Therapy Advantage – OAC Rule 5160-32-1
4. Tina Pryjda – Therapy Advantage – OAC Rule 5160-32-1
5. Dwayne Golden- President, Benchmark Therapy and Rehab. -OAC Rule 5160-32-1
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Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

The Ohio Department of Medicaid received 5 comments representing 4 therapy agencies citing specific concerns with new proposed rules **5160-32-01 Electronic visit verification (EVV) program. 5160-32-02 Electronic Visit Verification (EVV) Data Collection. 5160-32-03 Alternate Electronic Visit Verification (EVV) program. 5160-32-04 Electronic visit verification (EVV) Program Provider Requirements** and the impact on therapy services.

Providers delivered testimony to ODM's proposed rule changes that focused on the requirement that therapy services will be subject to the EVV program requirements effective July 1, 2024. Therapy providers expressed concern that the solution would lack flexibility and create unnecessary administrative burden. An exemption to the EVV rule requirements was requested.

ODM received testimony in support of the creation of the live-in caregiver exemption and the proposed change that will require individual consent prior to agency use of Global Positioning Services (GPS).

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

No changes were made to the rules.

The Department of Medicaid appreciates and understands the context of the feedback received from therapy providers.

As a result of the feedback received from therapy service providers at the 2021 workgroup, that was referenced in testimony, ODM delayed the mandatory requirement to log EVV visits in the current system for home health therapies. ODM has addressed stakeholder concerns through system updates that will be effective with the updates July 1.

EVV documentation for therapy services is federally mandated by the Centers for Medicare and Medicaid Services (CMS) and may not be exempted from program requirements.

ODM and Sandata communicate routinely with providers, individuals receiving services, and other stakeholders about program updates, program changes and educational opportunities related to EVV. Educational materials and training opportunities have been offered to providers at no cost.

Training on EVV documentation specific to therapy services is forthcoming.