



NOTICE OF PUBLIC HEARING

The Ohio Department of Developmental Disabilities hereby gives notice of its intent to rescind, adopt, and amend the following rules of the Administrative Code on a permanent basis on or about January 1, 2017, and to conduct a public hearing thereon.

Rule 5123:2-7-12 entitled *Intermediate Care Facilities - Medicaid Cost Report, Record Retention, and Disclosure Requirements* is being rescinded and replaced by a new rule of the same number entitled *Intermediate Care Facilities for Individuals with Intellectual Disabilities - Cost Report*. The rule sets forth standards and requirements for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFIID), other than state-operated ICFIID, to submit cost reports to the Department and maintain supporting documents and records. Revisions incorporated into new rule 5123:2-7-12 include:

- Aligning the rule with the current practice for submitting cost reports and requesting filing extensions;
- Correcting references to the Revised Code, the Administrative Code, and the Ohio Department of Medicaid;
- Incorporating provisions of currently effective rule 5123:2-7-19 (which is being rescinded); and
- Reordering the rule in a more logical manner.

Rule 5123:2-7-19 entitled *Intermediate Care Facilities - Nonreimbursable Costs* is being rescinded because its provisions are being incorporated into new rule 5123:2-7-12. Rule 5123:2-7-19 sets forth costs that are not reimbursable to ICFIID through the prospective cost reporting mechanism.

Rule 5123:2-9-39 entitled *Home and Community-Based Services Waivers - Waiver Nursing Services Under the Individual Options Waiver* is being amended. The rule defines Waiver Nursing Services and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended

to align payment rates with payment rates set forth in rule 5160-46-06 for the same service available under the Ohio Home Care Waiver administered by the Ohio Department of Medicaid.

Rule 5123:2-9-56 entitled *Home and Community-Based Services Waivers - Personal Care Aide Services Under the Transitions Developmental Disabilities Waiver* is being amended. The rule defines Personal Care Aide Services and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to align payment rates with payment rates set forth in rule 5160-46-06 for the same service available under the Ohio Home Care Waiver administered by the Ohio Department of Medicaid.

Rule 5123:2-9-59 entitled *Home and Community-Based Services Waivers - Waiver Nursing Services Under the Transitions Developmental Disabilities Waiver* is being amended. The rule defines Waiver Nursing Services and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to align payment rates with payment rates set forth in rule 5160-46-06 for the same service available under the Ohio Home Care Waiver administered by the Ohio Department of Medicaid.

A public hearing on the proposed rule actions will be held on **November 15, 2016**, beginning at **10:00 a.m.**, and continuing until all persons in attendance have had an opportunity to testify. The hearing will be held in the **Lobby Hearing Room of the Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio 43215**. At this hearing, the Department will accept verbal and/or written testimony on the proposed rule actions. Persons unable to attend the public hearing may submit written comments on the proposed rule actions. Any written comments received on or before the public hearing date will be treated as testimony and made available for public review. Submittal of written comments may be made to Becky Phillips, Administrative Rules Coordinator, by email to becky.phillips@dodd.ohio.gov, by fax to 614/752-8551, or by U.S. mail to 30 East Broad Street, 12th Floor, Columbus, Ohio 43215-3414.

The rules are available for review at the Register of Ohio website (<http://registerofohio.state.oh.us>) and at the Department's website (<http://dodd.ohio.gov/RulesLaws/Pages/Rules-Under-Development.aspx>). The rules are also available for review at each county board of developmental disabilities.