

MAL 574 / MHTL 3336-11-01 (Rule Changes Affecting Home Health Services and Hospice Services)

Medicaid Handbook Transmittal Letter (MHTL) No. 3336-11-01

Medical Assistance Letter (MAL) 574

January 21, 2011

TO:

- Director, Ohio Department of Aging
- Director, Ohio Department of Mental Retardation and Developmental Disabilities
- Director, Ohio Department of Mental Health
- Director, Ohio Department of Alcohol and Drug Addiction Services
- Providers, ODJFS-Administered Home and Community-Based Services
- Providers, Home Health Agencies
- Providers, Hospice Agencies
- Providers, Otherwise-accredited Agencies
- Providers, Independent Private Duty Nursing
- Case Managers and Administrators, CareStar
- Directors, County Departments of Job and Family Services
- Directors, Area Agencies on Aging
- Directors, County Boards of Mental Retardation and Developmental Disabilities
- Directors, Centers for Independent Living
- Ohio Long Term Care Ombudsmen
- Director, Brain Injury Association of Ohio
- Directors, Members, HOME Choice Planning and Advisory Group
- Chairperson, Ohio Olmstead Task Force
- Director, Ohio Council for Home Care and Hospice
- Director, Ohio Home Care Organization
- Director, Ohio Hospice and Palliative Care Organization
- Vice-President, SEIU District 1199, WV/KY/OH
- President, Ohio State Medical Association
- President, Ohio Osteopathic Association
- All Eligible General Practice Physicians
- Providers, Family Practice Physician
- Providers, Pediatrician
- Providers, Internal Medicine Practitioner
- Providers, Obstetrician
- Providers, Physician Services
- Comprehensive Clinics
- Public Health Department Clinics
- Outpatient Health Facilities

Rural Health Clinics
Federally Qualified Health Centers
Managed Care Plans

FROM: Michael B. Colbert, Interim Director

SUBJECT: Rule Changes Affecting Home Health Services and Hospice Services

The Ohio Department of Job and Family Services (ODJFS) has amended rules [5101:3-12-01](#), [5101:3-56-02](#), [5101:3-56-04](#), and [5101:3-56-06](#) of the Administrative Code (OAC). The amendments to these rules will 1) require a face-to-face encounter (between the consumer and the consumer's physician, advanced practice nurse in collaboration with the qualifying treating physician, or physician assistant under the supervision of the qualifying treating physician), prior to the supervising physician certifying medical necessity for home health services in order to align these rules with the implementation of Section 6407(d) of the federal Patient Protection and Affordable Care Act (PPACA) of 2010 and 2) specify that a child under age twenty-one who completes a hospice election form does not waive any rights to be provided with, or to have payment made for, services that are related to the treatment of the child's condition for which a diagnosis of terminal illness has been made in order to align these rules with the implementation of Section 2302 of the federal Patient Protection and Affordable Care Act (PPACA) of 2010. A description of these rules follows below.

OAC rule [5101:3-12-01](#), Home health services: provision requirements, coverage and service specification, explains the services available through the home health benefit for Medicaid consumers and providers. The proposed amendment to this rule set forth the following: 1) a requirement for a face-to-face encounter as described above must occur within ninety days prior to the start of home health services start of care date, or within thirty days following the start of care date inclusive of the start of care date, preceding certification of medical necessity of home health services in order to align this rule with the implementation of Section 6407(d) of the federal Patient Protection and Affordable Care Act (PPACA) of 2010, 2) a change from the Ohio Department of Mental Retardation and Developmental Disabilities to the Ohio Department of Developmental Disabilities and 3) correction of citations.

OAC rule [5101:3-56-02](#), Hospice services: eligibility and election requirements, explains hospice eligibility requirements for consumers. The proposed amendment to this rule sets forth that when a child voluntarily elects hospice, he or she does not waive the right to be provided with, or have payment made for, services that are related to the treatment of the child's condition for which a diagnosis of terminal illness has been made in order to align this rule with the implementation of Section 2302 of the federal Patient Protection and Affordable Care Act (PPACA) of 2010.

OAC rule [5101:3-56-04](#), Hospice services: provider requirements, explains responsibilities of hospice providers. The proposed amendment to this rule sets forth the following additional requirements: 1) facilitation of concurrent care for children under age twenty-one with other Medicaid providers, 2) documentation about how services are coordinated between the hospice provider and other Medicaid providers, 3) provision of a copy of the consumer's advance directive and hospice election form to other Medicaid providers, 4) notification to consumers of their responsibilities to report to the hospice provider the names of their other Medicaid providers and 5) correction of citations. These amendments are part of the implementation of Section 2302 of the federal Patient Protection and Affordable Care Act (PPACA) of 2010, and provide for the assurance of continuity of care and coordination to avoid duplication of equivalent services.

OAC rule [5101:3-56-06](#), Hospice services: reimbursement, explains the requirements for the reimbursement of hospice providers. The proposed amendment to this rule sets forth the following: 1) specification that the Ohio Department of Job and Family Services will reimburse only non-hospice providers for curative treatments delivered to consumers under age twenty-one for the consumer's terminal illness, and that Medicaid providers who provide curative treatments for these consumers must comply with all the requirements for Medicaid providers in Chapter 5101:3-1 of the Administrative Code and not bill hospice organizations and 2) correction of citations.

Instructions:

Remove and File as Obsolete	Insert Replacement
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5101:3-12-01 (effective 11/8/2007)

[5101:3-12-01](#) (effective 2/1/2011)

Instructions:

Remove and File as Obsolete	Insert Replacement
5101:3-56-02 (effective 3/2/2008)	5101:3-56-02 (effective 2/1/2011)
5101:3-56-04 (effective 3/2/2008)	5101:3-56-04 (effective 2/1/2011)
5101:3-56-06 (effective 3/2/2008)	5101:3-56-06 (effective 2/1/2011)

Web Pages:

ODJFS maintains an "electronic manuals" web page for the department's rules, manuals and handbooks. The URL is as follows:

<http://emanuals.odjfs.state.oh.us/emanuals/>

This transmittal letter and attachments may be viewed as follows:

- (1) Select "Ohio Health Plans - Provider" (right column).
- (2) Select "Physician Services" (right column).
- (3) Select "Medicaid Handbook Transmittal Letters (in the "Physician Services Table of Contents" dropdown).

It may also be viewed as follows:

- (1) Select "Ohio Health Plans - Provider" (right column).
- (2) Select "Hospice Services" (right column).
- (3) Select "Medical Assistance Letters", "Hospice Rules" (in the "Hospice Services Table of Contents" dropdown).

Questions:

Questions about this MAL and MHTL should be addressed to:

Ohio Department of Job and Family Services
Bureau of Long-Term Care Services and Supports

P.O. Box 182709

Columbus, Ohio 43218-2709

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