John Martin

Director

Ohio Department of Developmental Disabilities   
30 E. Broad Street, 13th Floor  
Columbus, Ohio 43215

October 31, 2016

Dear Director Martin,

We are in receipt of DODD’s October 17, 2016 memorandum and DODD’s October 20, 2016 guidance regarding the delay of the implementation of the day array rules and the elimination of the combo code. We have looked into the issue. If the status quo is to be maintained until CMS' concerns have been allayed, we do not understand how legally the combination code can be eliminated without an amendment to current rules. We also assume any rate reduction in this regard would need CMS approval as well which has not been obtained to our knowledge. If you have a legal analysis that offers an alternative position, we are certainly willing to review or discuss it.

With that said, we are requesting the Department were to put in writing by November 1, 2016 a commitment on Department letterhead and send to the field that the Department would hold harmless Medicaid providers for any and all audit findings regarding the new billing instructions regarding the non-billing of the combination code. Please contact me with any questions or response.

Sincerely,

Mark Davis