



Ohio Administrative Code

Rule 5123-7-27 Intermediate care facilities for individuals with intellectual disabilities - request for rate reconsideration.

Effective: July 8, 2018

(A) Purpose

This rule establishes a process for an intermediate care facility for individuals with intellectual disabilities (ICFIID) or a group or association of ICFIID providers to request reconsideration of an ICFIID's per diem payment rate pursuant to section 5124.38 of the Revised Code.

(B) Submission of request

(1) In addition to the circumstances referenced in section 5124.38 of the Revised Code, reconsideration of an ICFIID's per diem payment rate may be requested:

(a) On the basis of a possible error in the calculation of the rate; or

(b) Upon direct admission of a resident from a department-operated ICFIID, on the basis of extreme hardship on the admitting ICFIID.

(2) A request for rate reconsideration shall be submitted:

(a) In the case of a possible error in the calculation of the rate, within thirty calendar days after the later of the initial payment of the rate or the receipt of the rate-setting calculation.

(b) In the case of direct admission of a resident from a department-operated ICFIID, within ninety calendar days after admission.

(3) A request for rate reconsideration for items referenced in this rule or in section 5124.38 of the Revised Code shall be submitted in writing via email to cr-icf@dodd.ohio.gov.

(a) The request shall indicate the reason for rate reconsideration.



(b) In the case of a possible error in the calculation of the rate, the request shall include a detailed explanation of the possible error and the proposed corrected calculation and references to the relevant sections of the Revised Code and/or rules of the Administrative Code as appropriate.

(c) In the case of direct admission of a resident from a department-operated ICFIID, the request shall include a detailed summary of the facts supporting the request, including demonstration of the increased costs and the requested adjusted per diem rate.

(C) Consideration of the request

(1) The department shall respond in writing within sixty calendar days of receiving a written request for rate reconsideration. If the department requests additional information to determine whether a rate adjustment is warranted, the ICFIID shall respond in writing and provide additional supporting documentation within thirty calendar days of receipt of the request for additional information. The department shall respond in writing within sixty calendar days of receiving the additional information.

(2) If the department grants a rate adjustment due to an error in the calculation of the rate, the adjustment shall be implemented retroactively to the initial service date for which the rate is effective.

(3) If the department grants a rate adjustment due to direct admission of a resident from a department-operated ICFIID, the adjustment shall be implemented the first day of the first month the former resident of a department-operated ICFIID resides in the admitting ICFIID.

(a) The adjusted rate shall be time-limited to no longer than twelve consecutive months and may span fiscal years. There shall be no extensions granted beyond the initial twelve months. The rate adjustment shall be rescinded earlier than twelve months should the admitted former resident of a department-operated ICFIID permanently leave the ICFIID for any reason.

(b) The maximum amount available for each admitted former resident of a department-operated ICFIID shall be no more than fifty dollars per day, with the rate determined by dividing fifty dollars



by the number of filled beds in the admitting ICFIID including the bed occupied by the former resident of a department-operated ICFIID. The resulting amount will be added to the ICFIID's per diem rate until the end of the state fiscal year.

(c) If the twelve consecutive months cross a state fiscal year, the calculation in paragraph (C)(3)(b) of this rule will be repeated at the beginning of the next state fiscal year and the adjusted per diem rate will remain in effect until the end of the twelfth consecutive month from the date the first adjusted per diem rate was applied.

(4) If the department grants a rate adjustment to an ICFIID that subsequently undergoes a change of operator, the adjusted rate shall remain in place as though a change of operator had not occurred.

(5) The department's decision at the conclusion of the rate reconsideration process shall not be subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.