



## Ohio Administrative Code

Rule 5160-71-03 Chapter 119. hearings conducted under authority of section 5111.914 of the Revised Code: interest for findings pursued for recovery.

Effective: August 1, 2011

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(A) Pursuant to division (E) of section 5111.03 of the Revised Code, any provider of services or goods contracting with ODJFS pursuant to Title XIX of the Social Security Act that, without intent, obtains payments under Chapter 5111. of the Revised Code in excess of the amount to which the provider is entitled, thereby becomes liable for payment of interest on the amount of the excess payments at the maximum real estate mortgage rate on the date the payment was made to the provider for the period from the date upon which payment was made to the date upon which repayment is made to the state.

(B) Interest payments shall be charged on a daily basis for the period from the date the overpayment was made to the date upon which repayment is received by the state.

(C) The "date upon which payment was made" means the date of the overpayment and shall be determined in accordance with the following:

(1) For any overpayment that is identified as the result of either a reasonable cost based reimbursement settlement, or cost report reconciliation, or rate setting reimbursement settlement, or similar cost settlement reporting, the "date of the overpayment" shall be ten days from the date the issuing state agency's notice of overpayment is received by the provider as shown by the U.S. postal service return receipt slip.

(2) For any other finding of overpayment by the issuing state agency, the "date of the overpayment" shall be the latest date of the warrant issued in payment for any of the paid claims that form the basis for the overpayment finding.

(D) The "date upon which repayment is received by the state" shall mean one of the following:

(1) The date the repayment is time-stamped by the issuing state agency;



- (2) The date the repayment is deposited as certified mail with the U.S. postal service; or
- (3) In the case of any repayment through offset of future claims for reimbursement, the date the repayment is posted on the books of the issuing state agency.
- (E) The maximum real estate mortgage rate shall be calculated pursuant to division (B)(4) of section 1343.01 of the Revised Code, as amended. Namely, the rate shall be three per cent in excess of the discount rate on ninety-day commercial paper in effect at the federal reserve bank in the fourth federal reserve district on the day the repayment was made. (The "discount rate on ninety-day commercial paper in effect at the federal reserve bank in the fourth district" is the rate that the federal reserve bank in the fourth district uses as the interest rate it charges to member banks.)
- (F) Interest payments shall be calculated on the basis of simple interest.
- (G) Interest shall be charged on medicaid overpayments that have occurred on and after April 24, 1978, and that are identified for repayment after August 1, 1982.
- (H) The issuing state agency may waive the interest penalty when repayment is made in full and the amount of interest owed by any single provider is less than fifty dollars. The issuing state agency may waive the interest penalty when voluntary repayment of individual claims is made by a provider before any notification by the issuing agency that an overpayment has occurred.