

5123:2-7-28

**Intermediate care facilities - prospective rate reconsideration on the basis of extreme hardship upon admission of a resident from a state-operated developmental center.**

(A) An intermediate care facility may request a reconsideration of a rate on the basis of an extreme hardship on the facility only as follows:

(1) Upon direct admission of a resident from a state-operated developmental center to the intermediate care facility, a request for reconsideration of a prospective rate on the basis of extreme hardship on the facility may be filed with the department no more than ninety days after admission of the former resident to the intermediate care facility.

(a) All requests shall be in writing and shall be mailed to "Ohio Department of Developmental Disabilities, Division of Medicaid Development and Administration, 30 East Broad Street, 13th Floor, Columbus, Ohio 43215-3414" or faxed to (614) 466-0652; and

(b) The request shall indicate that it is a request for rate reconsideration due to the admission to the intermediate care facility of a former resident of a state-operated developmental center; and

(c) The request shall include a detailed summary of the facts supporting the request, including demonstration of the increased costs and the requested adjusted facility per diem rate.

(2) The department shall respond in writing within sixty days of receiving a written request for reconsideration of a prospective rate due to extreme hardship on the facility. If the department requests additional information to determine whether a rate adjustment is warranted, the intermediate care facility shall respond in writing and shall provide additional supporting documentation within thirty days of receipt of the request for additional information. The department shall respond in writing within sixty days of receiving the additional information to the request for reconsideration of a prospective rate.

(3) If a rate adjustment is granted by the department, the adjustment shall be implemented the first day of the first month the former developmental center resident resides in the intermediate care facility. 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 The rate adjustment shall be rescinded earlier than twelve months should the admitted resident permanently leave the intermediate care facility for any reason.

(4) The maximum amount available for each admitted former resident of a state-operated developmental center shall be no more than fifty dollars per day, with the rate determined by the following formula:

(a) Divide fifty dollars by the number of filled beds in the intermediate care facility including the bed occupied by the individual from the state-operated developmental center. This will be added to the facility's per diem rate until the end of the state fiscal year.

(b) If the twelve consecutive months cross a state fiscal year, the calculation in paragraph (A)(4)(a) 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.

(5) If a rate adjustment is granted to a facility that subsequently undergoes a change of ownership, the adjusted rate shall remain in place as though a change of ownership had not occurred.

(B) The department has sole discretion in the determination of whether an extreme hardship exists; 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.

Effective: 01/10/2013

R.C. 119.032 review dates: 01/10/2018

CERTIFIED ELECTRONICALLY

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Certification

12/31/2012

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Date

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