

173-39-03.2**ODA provider certification: changes of ownership interest or organizational structure.**

Introduction: Section 173.39 of the Revised Code prohibits ODA from paying a provider for services provided to individuals enrolled in the PASSPORT or assisted living programs unless the provider is an ODA-certified provider. ODA-certification is assigned to a provider's federal taxpayer identification number (TIN) and is not transferable. This rule shall apply in all instances where there is a change of ownership interest involving an ODA-certified provider obtaining a new TIN according to any rule adopted by the internal revenue service (IRS) or any change in organizational structure of an ODA-certified provider involving a person with an ownership or management interest, including non-profit providers.

(A) Requirements:

(1) Notification: The provider's current owner(s) shall notify ODA in writing of a change of ownership interest or change of organizational structure (change) no later than forty-five days before the change, unless this chapter requires notifying ODA sooner. The current owner(s) shall email their written notice to ODA at "provider.enrollment@age.ohio.gov." In the notice, the current owner(s) shall include a notarized statement including all of the following information, as applicable and to the extent it is available to the current owner(s) at the time the notice is submitted. In the event information is not available at the time written notice is required, the current owner(s) shall supplement the written notice until all information required below is provided:

(a) Name of the provider undergoing the change.

(b) Name of each current owner, and, if any, the name of each current owner's authorized agent.

(c) Medicaid provider number and NPI of the provider after the change, if known. ODA considers the notice to be complete if the notice is complete except for indicating the provider's number if ODM has not yet granted the provider a number, so long as the provider submits the number to ODA as soon as it is available.

(d) The following information about each new owner(s):

(i) Name.

(ii) Date of birth.

(iii) Social security number.

owner(s) shall discharge residents from the RCF for non-payment until ODA makes a final determination regarding certification of the provider.

(B) Compliance with HCBS settings requirements:

- (1) Every provider is subject to the HCBS settings requirements in state and federal law, including rule 5160-44-01 of the Administrative Code and 42 C.F.R. Part 441, as indicated in rule 173-39-02 of the Administrative Code. Every provider shall maintain compliance with those requirements from the effective date of ODA certification and thereafter to maintain ODA certification.
- (2) For a provider subject to federal heightened scrutiny under rule 173-39-03.1 of the Administrative Code, the new owner(s) shall, at a minimum, implement policies, procedures, to maintain compliance with the HCBS settings requirements under rules 173-39-02 and 5160-44-01 of the Administrative Code, and any other requirements under 42 C.F.R. Part 441 at the time of the change of ownership interest and thereafter. When applying for ODA certification, the new owner(s) shall email a notarized statement demonstrating compliance with this requirement to ODA at "provider enrollment@age.ohio.gov."

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.02, 173.391, 173.52, 173.522, 173.54, 173.543
Rule Amplifies: 173.522, 173.54, 173.543; 42 C.F.R. 441.352, 173.39, 173.391, 173.52