

5101:3-3-04

**Payment during the Ohio department of jobs ~~job~~ and family services (ODJFS) administrative appeals process for denial or termination of a provider agreement.**

- (A) When ODJFS is required to provide an adjudicatory hearing ~~pursant~~ pursuant to Chapter 119. of the Revised Code, payment shall continue for medicaid-covered services provided to eligible residents during the appeal of, and the proposed termination or ~~nonrenewal~~ non-renewal of, a nursing facility (NF) or an intermediate care facility for the mentally retarded (ICF-MR) provider agreement. Payment shall not be made under this provision for services rendered on or after the effective date of ODJFS issuance of a final order of adjudication pursuant to Chapter 119. of the Revised Code, except as provided in paragraph (B) of this rule.
- (B) Payment may be provided up to thirty days following the effective date of termination or ~~nonrenewal~~ non-renewal of a NF or ICF-MR provider agreement; or after an administrative hearing decision that upholds the ODJFS termination or ~~nonrenewal~~ non-renewal action. Payment will be available if both of the following conditions are met:
- (1) Residents were admitted to the NF or ICF-MR before the effective date of termination or expiration; and
  - (2) The NF or ICF-MR cooperates with the state, local, and federal entities in the effort to transfer residents to other NFs, ICFs-MR, institutions, or community programs that can meet the residents' needs.
- (C) When ODJFS acts under instructions from the United States department of health and human services, payment ends on the termination date specified by that agency.

Effective: 07/01/2008

R.C. 119.032 review dates: 04/02/2008 and 07/01/2013

CERTIFIED ELECTRONICALLY

---

Certification

06/09/2008

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5111.02  
Rule Amplifies: 5111.01, 5111.02, 5111.06, 5111.21  
Prior Effective Dates: 3/18/1988 (Emer.), 6/16/1988, 1/1/1995, 7/1/2000,  
7/1/2003