

5101:3-3-30.1      **Appeal of the franchise permit fee (FPF) determination and re-determination.**

(A) When submitting an appeal of ~~the~~ a FPF determination or re-determination for a nursing home or hospital long term care unit in accordance with sections section 3721.55 and 5112.35 of the Revised Code, a nursing facility (NF), nursing home (NH), hospital, or intermediate care facility for the mentally retarded (ICF-MR) or an appeal of a FPF determination for an intermediate care facility for the mentally retarded in accordance with section 5112.35 of the Revised Code, a facility operator shall follow these procedures:

- (1) The appeal shall be in writing and must be received by ODJFS not later than fifteen days after the date on which the FPF assessment notice was mailed.
- (2) The appeal shall be submitted to ODJFS and addressed to the organization listed in the instructions that are sent with the assessment notice. If this address is invalid, the facility shall contact the bureau of long term care services and supports (BLTCSS).
- (3) The appeal shall indicate that it is an appeal of the FPF due to a possible material error in determining the amount of the fee.
- (4) The appeal shall include a detailed explanation of the possible material error and the proposed correction of the amount of the fee.
- (5) The appeal shall include references to the relevant sections of the Revised Code or rules of the Administrative Code that support the position of the appeal.

(B) If a representative of a facility is unable to attend the hearing, the representative shall request a teleconference hearing at least five days prior to the scheduled hearing.

Effective:

R.C. 119.032 review dates: 12/15/2011

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3721.58, 5112.39  
Rule Amplifies: 3721.50, 3721.51, 3721.531, 3721.532, 3721.55,  
5112.35  
Prior Effective Dates: 9/30/93 (Emer.), 1/1/94, 1/12/96, 9/30/01, 2/11/02,  
9/30/02, 9/30/03 (Emer.), 02/11/03, 4/12/04, 7/1/05,  
12/30/05, 4/30/07, 10/15/10