

TO BE RESCINDED

5101:3-3-57 **Nursing facilities (NFs) expenditure limitation.**

Notwithstanding rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code, "total per diem rate" includes the payments made to NFs under rule 5101:3-3-58 of the Administrative Code. Rates paid to NFs under the medicaid program shall be subject to the following limitations:

- (A) For fiscal year 2002, the mean total per diem rate for NFs in the state, weighted by medicaid days and calculated as of July 1, 2001, excluding providers of outlier services, under rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code, shall not exceed one hundred forty-three dollars and ninety-two cents.
- (B) For fiscal year 2003, the mean total per diem rate for all NFs in the state, weighted by medicaid days and calculated as of July 1, 2002, excluding providers of outlier services, under rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code, shall not exceed one hundred fifty-three dollars and forty-one cents, plus any difference between one hundred forty-three dollars and ninety-two cents and the mean total per diem rate for all NFs in the state for fiscal year 2002, weighted by medicaid days and calculated as of July 1, 2001, excluding providers of outlier services, under rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code.
- (C) If the mean total per diem rate for all NFs in the state for fiscal year 2002 or 2003, weighted by medicaid days and calculated under rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code as of the first day of July of the calendar year, excluding providers of outlier services, in which the fiscal year begins, exceeds the amount specified for that fiscal year in paragraph (A) or (B) of this rule, the department of job and family services shall reduce the total per diem rate for each NF in the state by a percentage that is equal to the percentage by which the mean total per diem rate exceeds the amount specified in paragraph (A) or (B) of this rule for the entire fiscal year.
- (D) For fiscal year 2004, the mean total per diem rate for all NFs in the state, weighted by May 2003 medicaid days and calculated as of July 1, 2003, excluding providers of outlier services, under rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code, shall not exceed one hundred fifty-six dollars and sixty-eight cents.
- (E) For fiscal year 2005, the mean total per diem rate for all NFs in the state, weighted by May 2004 medicaid days and calculated as of July 1, 2004, excluding providers of outlier services, under rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code, shall not exceed one hundred fifty-nine dollars, plus any difference between one hundred fifty-six dollars and sixty-eight cents and the mean total per diem rate for all NFs in the state for fiscal year 2004, weighted by medicaid days and calculated as of July 1, 2003.

- (F) If the mean total per diem rate for all NFs in the state for fiscal year 2004 or 2005, weighted by medicaid days and calculated under rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code as of the first day of July of the calendar year, excluding providers of outlier services, in which the fiscal year begins, exceeds the amount specified for that fiscal year in paragraph (D) or (E) of this rule, the department of job and family services shall reduce the total per diem rate for each NF in the state by a percentage that is equal to the percentage by which the mean total per diem rate exceeds the amount specified in paragraph (D) or (E) of this rule for the entire fiscal year.
- (G) Subsequent to any reduction required by paragraphs (A) to (F) of this rule, a NF's rate shall be subject to any adjustments required or authorized by rules 5101:3-3-40 to 5101:3-3-59 of the Administrative Code during the remainder of the fiscal year.

Effective: 02/02/2006

R.C. 119.032 review dates: 11/17/2005

CERTIFIED ELECTRONICALLY

Certification

01/23/2006

Date

Promulgated Under: 119.03
Statutory Authority: 5111.02
Rule Amplifies: 5111.02, 5111.20 to 5111.32, Section 63.35 of Am. Sub. H.B. 94 of the 124th General Assembly, Section 10 of Am. Sub. S.B. 261 of the 124th General Assembly, Section 63.37 Am. Sub. H.B. 95 of the 125th General Assembly
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