

TO BE RESCINDED

5160-3-01.1 **Authorization for the Ohio department of developmental disabilities (DODD) to administer the medicaid program for services provided by intermediate care facilities for the mentally retarded (ICFs-MR).**

- (A) The Ohio department of developmental disabilities (DODD), through an interagency agreement with the Ohio department of job and family services (ODJFS), administers the medicaid program for services provided by intermediate care facilities for the mentally retarded (ICFs-MR) on a daily basis in accordance with section 5111.91 of the Revised Code. DODD may develop rules and policies governing the administration of the ICF-MR program, which shall be filed in Chapter 5123:2-7 of the Administrative Code upon review and approval by ODJFS in compliance with 42 C.F.R. 431.10.
- (B) In collaboration with DODD, ODJFS shall create and implement oversight measures related to the ICF-MR program in accordance with Chapter 5111. of the Revised Code. Reviews may consist of, but are not limited to, physical inspections of records and sites where services are provided, and interviews of providers and recipients of ICF-MR services. ICF-MR providers shall provide any records related to the administration and/or provision of ICF-MR services to ODJFS, the center for medicare and medicaid services (CMS), the medicaid fraud control unit, and any of their designees in accordance with the medicaid provider agreement.
- (C) ODJFS will monitor payment made under authority of this rule as necessary to ensure that funding is used for authorized purposes in compliance with federal and state laws, regulations, and policies governing the medicaid program. ODJFS and DODD may recover any overpayment identified by requesting voluntary repayment, or through provider payment offsets, or formal adjudicatory or non-adjudicatory recovery proceedings.
- (D) Whenever an applicant for or recipient of ICF-MR services is affected by any action proposed or taken by DODD and/or ODJFS, the entity recommending or taking the action will provide medicaid due process in accordance with section 5101.35 of the Revised Code and as specified in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code. Such actions may include, but are not limited to, the approval, denial, or termination of enrollment or a denial of ICF-MR services. If an applicant or enrollee requests a hearing related to an action taken by DODD, the participation of DODD is required during the hearing proceedings to justify the decision under appeal.

Effective: 12/10/2017

Five Year Review (FYR) Dates: 9/22/2017

CERTIFIED ELECTRONICALLY

Certification

11/30/2017

Date

Promulgated Under: 119.03
Statutory Authority: 5164.02
Rule Amplifies: 5124.02
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