

5160-3-90

Authorization for the Ohio department of developmental disabilities (DODD) to administer the medicaid program for services provided by intermediate care facilities for individuals with intellectual disabilities (ICFs-IID).

- (A) The Ohio department of developmental disabilities (DODD), through an interagency agreement with the Ohio department of medicaid (ODM), and with oversight by ODM, administers the medicaid program for services provided by intermediate care facilities for individuals with intellectual disabilities (ICFs-IID) ~~on a daily basis~~ in accordance with section 5162.35 of the Revised Code. Pursuant to section 5162.021 of the Revised Code, DODD may develop rules and policies governing the administration of the ICF-IID program, which ~~shall be~~ are filed in ~~Chapter~~ Chapter 5123-7 ~~5123-2-7~~ of the Administrative Code upon review and approval by ODM ~~in compliance with 42 C.F.R. 431.10 (July 15, 2013)~~.
- (B) In collaboration with DODD, ODM ~~shall~~ will create and implement oversight measures related to the ICF-IID program in accordance with Chapter 5124. 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-IID services. ICF-IID providers ~~shall~~ will provide any records related to the administration ~~and/or~~ provision of ICF-IID services to ODM, the centers for medicare and medicaid services (CMS), the medicaid fraud control unit, and any of their designees in accordance with the medicaid provider agreement.
- (C) ODM 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. ODM 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-IID services is affected by any action proposed or taken by DODD ~~and/or~~ or ODM, 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-IID services. If an applicant or enrollee requests a hearing related to an action taken by DODD, the participation of DODD is ~~required~~ necessary during the hearing proceedings to justify the decision under appeal.

Effective: 7/8/2023

Five Year Review (FYR) Dates: 3/13/2023 and 07/08/2028

CERTIFIED ELECTRONICALLY

Certification

06/28/2023

Date

Promulgated Under: 119.03
Statutory Authority: 5162.02
Rule Amplifies: 5162.35
Prior Effective Dates: 01/10/2013, 12/10/2017