

5160-3-33**Nursing facilities (NFs): Reimbursement of NF relief payments upon sale of business or bed license.**

- (A) For purposes of Section 220.60 of Amended Substitute House Bill 169 of the 134th General Assembly and this rule, a "sale" occurs when a purchase agreement or similar document that outlines the terms of the purchase and results in the payment of money for the business or bed license, is signed or, if the signature is not dated, the effective date specified in the purchase agreement or similar document.
- (B) Any nursing facility that sells any of its business or bed licenses in accordance with paragraph (A) of this rule from March 29, 2022 through June 30, 2023 will reimburse the state in the following manner:
- (1) If the proceeds from the sale are less than the relief payment received by the nursing facility pursuant to Section 220.60 of Amended Substitute House Bill 169 of the 134th General Assembly, the nursing facility will reimburse the state the full amount of the sale proceeds;
 - (2) If the proceeds from the sale are greater than the relief payment received by the nursing facility pursuant to Section 220.60 of Amended Substitute House Bill 169 of the 134th General Assembly, the nursing facility will reimburse the state the full amount of the relief payment and retain any amount remaining from the sale after the relief payment is reimbursed in full.
- (C) The department of medicaid will notify each nursing facility that is obligated to reimburse relief payments to the state. The notification will be by certified mail and include the manner of reimbursement and the deadline. If the reimbursement is not received by the department by the deadline, the department may, without further notice, offset from medicaid payments the amount of the reimbursement until it is paid in full.
- (D) A nursing facility notified that it is obligated to reimburse the state pursuant to this rule may request a reconsideration pursuant to rule 5160-70-02 of the Administrative Code within thirty days of the date appearing on the notification.

Effective: 3/23/2023

Five Year Review (FYR) Dates: 03/23/2028

CERTIFIED ELECTRONICALLY

Certification

03/13/2023

Date

Promulgated Under: 119.03
Statutory Authority: 5160.02, 5165.02
Rule Amplifies: Section 220.60 of Am Sub HB 169