

5160-3-16.31**Nursing facilities (NFs): private room incentive payment reimbursement.**

(A) In accordance with section 5165.158 of the Revised Code, this rule establishes the information to be submitted to the Ohio department of medicaid (department) by a nursing facility (facility) seeking a private room incentive payment to demonstrate that the room meets the prerequisites identified in section 5165.158 of the Revised Code.

(B) Information to be submitted:

- (1) Application in the form and manner prescribed by the department.
- (2) List of all nursing facility rooms and their corresponding number of beds, designating the rooms for which private room incentive payment approval is requested and identifying which rooms are category one and category two private rooms as defined in section 5165.158 of the Revised Code.
- (3) Floor plan of the entire nursing facility which identifies and shows the location of each private room with the designated room number and designated bathroom. Arrows should indicate the path between each resident room and the bathroom and each resident room and the hallway.
- (4) Documentation evidencing the private room meets the criteria in paragraph (C) (2) of section 5165.158 of the Revised Code.
- (5) Attestation in the form and manner prescribed by the department that the information submitted by the facility is accurate and truthful.

(C) Applications will be held in a pending status in the order submitted until the centers for medicare and medicaid services (CMS) approves private room incentive payments and the department determines a facility is qualified for the private room incentive payment. Additional information may be requested by the department to ensure a facility's eligibility. Facilities will have ten business days from the date of the request to provide this additional information. Failure to submit the requested information within ten business days will invalidate the original application submission, but the facility may submit a new application.

(D) If a facility notifies the department of its intent to change operator and an application for private room incentive payments is in a pending status, the new operator will not need to reapply and will maintain the facility's order in the pending status. The new operator will need to attest that the original information submitted by the facility is true and accurate and disclose any information that is different from the original application submission.

- (E) A facility that submits an application that is denied by the department may request a reconsideration. The reconsideration will be conducted by the department director, assistant director, or deputy director over the area where the contestation arose, or their designee, provided the person conducting the reconsideration was not involved in the original decision. The denial decision will include information about deadlines and supporting documentation needed for submission of the reconsideration. Deadlines will be no fewer than thirty days from the date on the notice of the denial decision. Reconsideration requests and supporting documentation received after the deadline may be considered at the department's discretion. Reconsideration decisions will not be further reconsidered.
- (F) In order to be considered for a private room incentive payment for a private room authorized under rule 5160-3-16.3 of the Administrative Code, a facility should apply and submit information pursuant to this rule. A facility that fails to apply for or is not approved for the private room incentive payment under this rule for a private room authorized under rule 5160-3-16.3 of the Administrative Code will be reimbursed in accordance with rule 5160-3-16.3 of the Administrative Code.

Effective: 11/30/2023

CERTIFIED ELECTRONICALLY

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Certification

11/30/2023

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Date

Promulgated Under: 119.03  
Statutory Authority: 5165.02, 5165.53  
Rule Amplifies: 5165.158