



## Ohio Administrative Code

### Rule 3304:1-21-08 Reporting and set-aside fees.

Effective: February 18, 2022

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(A) All reports, service charges, or other payments operators may be required to submit, shall be submitted electronically to BE, which shall include telephone reporting. Should BE consider substantive changes in the format it prescribes, BE will actively participate with OVRC before implementation. Notwithstanding this, the MOR due when transitioning in or out of a facility or site shall be submitted using the method prescribed by BE.

(B) Each month, each operator shall submit a set-aside fee to BE which shall be calculated as follows:

(1) Net proceeds up to one thousand dollars shall be assessed a set-aside fee of ten per cent; plus

(2) Net proceeds above one thousand dollars but less than two thousand five hundred dollars shall be assessed a set-aside fee of fifteen per cent; plus

(3) Any remaining net proceeds above two thousand five hundred dollars shall be assessed a set-aside fee of twenty per cent.

(C) All reports, set-aside fees, or other required payments submitted electronically for a given month shall be submitted on or before the twenty-fourth day of the following month. All reports and payments submitted in writing for a given month shall be submitted on or before the fifteenth day of the following month. Any electronic report submitted after the twenty-fourth day of the following month, or a written report submitted after the fifteenth day of the following month shall be considered late by the BE program. This does not apply to reports related to transitions submitted in accordance with rule 3304:1-21-07 of the Administrative Code.

(D) When service charge or other payments owed to the BE program are unpaid, incomplete, or late, penalties shall be applied pursuant to rule 3304:1-21-09 of the Administrative Code.



(E) If an MOR is outstanding forty-five days after its due date then BE shall prepare and send a written estimate of charges due and the operator shall be subject to a penalty as described in rule 3304:1-21-09 of the Administrative Code.

(F) If an operator disagrees with a portion of the MOR charges prior to the due date of the disputed MOR charges, the operator shall submit their position in writing along with any supporting documentation describing the dispute to the BSVI director. The BSVI director, or designee shall review the documentation and investigate the dispute as follows:

Within ten calendar days after receiving the operator's written position, the BE program manager shall make a ruling as to whether the disputed charges should be rescinded by BE or paid by the operator;

(1) If the charges are to be rescinded, BE will make every effort to correct the matter prior to the next MOR filing after the date of the ruling letter;

(2) If the charges are to be paid by the operator, the charges will be due in full within ten calendar days of the date of the ruling letter from the BSVI director.

(G) If the operator is dissatisfied with the BE program manager's decision, the operator may file a grievance pursuant to rule 3304:1-21-14 of the Administrative Code.

(H) Set-aside fees received by BE shall be used pursuant to 34 CFR 395.9, in effect on the effective date of this rule, and may include assuring a fair minimum return to a displaced operator. The displaced operator receiving a fair minimum return shall submit an invoice to BE for payment. A set-aside fee shall not be levied against this amount nor shall it be shown on the MOR.