



Ohio Revised Code

Section 5165.771 Special focus facility program.

Effective: September 30, 2021

Legislation: House Bill 110

(A) As used in this section:

(1) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.

(2) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10).

(3) "Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list.

(4) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved.

(5) "Table C" means the table included in the SFF list that identifies nursing facilities that have shown improvement.

(6) "Table D" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program.

(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if any of the following apply:

(1) The nursing facility is placed in table A or table B and fails to be placed in table C not later than twelve months after the facility is placed in table A or table B.

(2) The nursing facility is placed in table A, table B, or table C and fails to be placed in table D not



later than twenty-four months after the facility is placed in table A, table B, or table C.

(3) The nursing facility is placed in table A and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A.

(4) The nursing facility is placed in table A and fails to be placed in table D not later than twenty-four months after the nursing facility is placed in table A.

(C) A nursing facility may appeal, under Chapter 119. of the Revised Code, the length of time the facility is listed in a table as described under division (B) of this section. The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to provide for an appeal under this division. Notwithstanding the timeframes listed in section 119.07 of the Revised Code, the rules may provide for an expedited appeal under this division.

(D) A nursing facility shall take all steps necessary to improve its quality of care to avoid having its participation in the medicaid program terminated pursuant to division (B) of this section. Technical assistance and quality improvement initiatives to help a nursing facility avoid having its participation in the medicaid program terminated pursuant to division (B) of this section are available through the nursing home quality initiative established under section 173.60 of the Revised Code or initiatives offered through a quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3.