

Publications

Health Care Alert: ICF/IID Providers Given Short Timeframe in Which to Appeal DODD's State-Wide Assessments

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On January 15, 2013, the Ohio Department of Developmental Disabilities (DODD) issued guidance to intermediate care facilities for individuals with intellectual disabilities (ICF/IID) regarding the state-wide assessments that will be completed by DODD during the first quarter of calendar year 2013. Pursuant to Substitute House Bill 303 (129th General Assembly), DODD was granted the authority to conduct Individual Assessment Form (IAF) assessments of all residents of each ICF/IID during this time frame. These assessments will be used in determining ICF/IID's case-mix scores and Medicaid rates, and providers will be given only one brief opportunity to appeal DODD's assessment findings.

Pursuant to the new law, DODD is required to provide the results of their assessments to ICF/IID providers after the assessments are completed and no later than April 30, 2013. As set forth in DODD's guidance letter, DODD assessors will submit the results to the Division of Medicaid Development and Administration (MDA). After all the assessments are complete for the facility, MDA will send providers the official results, including Resident Assessment Classification (RAC) group scores for each individual and the facility case-mix score. Providers will be allowed to submit a written request for reconsideration to DODD not later than 15 days after receipt of the official assessments' results and case-mix scores from MDA.

The requests for reconsideration to DODD must be in writing and they must include all of the following: (1) a detailed explanation of the items in the assessments' results that the provider disputes; (2) copies of relevant supporting documentation from specific resident records; and (3) the provider's proposed resolution of the disputes. When conducting the reconsideration, DODD will consider the historic results of the resident assessments completed by the provider and all of the materials the provider includes in its reconsideration request. Although not required, providers should continue to compile their own assessment data of each of their residents for the first quarter of calendar year 2013. Such assessment data and documentation will be beneficial as supporting documentation for any requests for

reconsideration.

DODD may give providers an indication of their preliminary assessment results at the time the assessment is conducted. Providers should begin to prepare materials that will be used for requests for reconsideration if they disagree with the preliminary findings. Requests for reconsideration and all supporting documentation, as already mentioned, must be submitted to DODD within 15 days of receipt of the official assessments' results. This is a relatively short timeframe in which to prepare the needed materials and submit the requests for reconsideration to DODD. DODD's decision regarding a reconsideration will be final and not subject to further appeal.

Providers may want legal assistance in preparing any request for reconsideration. Vorys health care attorneys have experience with the ICF/IID formula and rules and can assist providers with the IAF assessment process and requests for reconsideration if needed. For additional information, please contact [Suzanne Scrutton](#) at 614.464.8313 or [Robin Bravchok](#) at 614.464.5466.