

## Publications

### *Health Care Alert: ICF/IID Two Person per Bedroom Compliance Plans Due By Year End*

#### Related Attorneys

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#### Related Industries

Health Care

#### CLIENT ALERT | 12.18.2015

Ohio's biennial budget bill for FY 2016-2017 (*Am. Sub. H.B. 64*) added Section 5124.70 to the Ohio Revised Code. This section, which was effective September 29, 2015, prohibits, with limited exceptions<sup>[1]</sup>, an ICF/IID from allowing more than two residents to share a sleeping room. According to Revised Code Section 5124.70, if on September 29, 2015, more than two residents shared a sleeping room, the ICF/IID could continue to allow the residents to share the sleeping room until January 1, 2016. On and after that date, in order to permit the residents to continue sharing a sleeping room, the ICF/IID must submit a plan to the Ohio Department of Developmental Disabilities (ODODD) **by December 31, 2015** detailing how the ICF/IID will come into compliance with the two person per sleeping room limit by June 30, 2025. An ICF/IID's plan to come into compliance with the occupancy limit must include the following:

- (1) The date by which the plan will be completed, which cannot be later than June 30, 2025;
- (2) Detailed descriptions of the actions the ICF/IID provider will take to come into compliance, which shall include either becoming a downsized ICF/IID or a partially converted ICF/IID;
- (3) The ICF/IID's projected Medicaid-certified capacity for each year covered by the plan, which must demonstrate that the provider will make regular progress toward coming into compliance;
- (4) A discharge planning process that includes providing information to residents regarding home and community-based services; and
- (5) Additional interim steps the provider will take to demonstrate that the provider is making regular progress toward coming into compliance.

We have been informed that ODODD is still waiting on numerous plans from providers detailing how they will comply with the two person per sleeping room occupancy limit. This is a reminder that, if your ICF/IID

has rooms that exceed this occupancy limit, you must submit your plan describing how you will meet the above requirements to ODODD **by December 31, 2015. It is important that ICF/IIDs pay attention to this requirement because ODODD can suspend admissions to ICF/IIDs that do not submit their plans in a timely manner.**

If you have any questions or need assistance, please contact Suzanne Scrutton at 614.464.8313 or Robin Amicon at 614.464.5466.

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[1] Exempted are those ICF/IIDs that, by January 1, 2015, became a downsized or partially converted ICF/IID and had a Medicaid-certified capacity that was at least 20% less than the greatest Medicaid-certified capacity it had before becoming a downsized or partially converted ICF/IID. An ICF/IID's sleeping room is also exempt if (1) all of the sleeping room's residents are under age 21 and (2) the parents or guardians of all of the residents consent to the residents sharing a sleeping room with two or more residents.