

5160-70-01

**Chapter 119. Hearing or Administrative Reconsideration Procedures for Medicaid Providers.**

(A) The following definitions apply to Chapter 5160-70 of the Administrative Code:

- (1) "Appellant" means the party who requested an adjudication hearing pursuant to Chapter 119. of the Revised Code and is appealing the adjudication order to the Franklin County Court of Common Pleas.
- (2) "Certified mail" means the United States Postal Service mail service in which the delivery person obtains the signature of the recipient of the mail on a form as proof of delivery to the specified addressee. Pursuant to section 1.02 of the Revised Code, certified mail includes registered mail.
- (3) "Department" means the Ohio department of medicaid ("ODM").
- (4) "Depository agent" means the ODM office of legal services at its official mailing address for the purpose of receiving correspondence or filings for any hearing held under authority of Chapter 5160-70 of the Administrative Code.
- (5) "Director" means the director of ODM.
- (6) "Adjudication order" means the order made by the director after notice and an opportunity for a hearing is afforded pursuant to Chapter 119. of the Revised Code.
- (7) "Final fiscal audit" means a medicaid final rate settlement or a medicaid hospital final settlement, including a final settlement in which Title V monies are offset against medicaid monies proposed for adjudication by ODM.
- (8) "Hearing" means a hearing held by ODM in compliance with sections 119.06 to 119.13 of the Revised Code.
- (9) "Last known address" means the most recent mailing address reported to ODM in compliance with reporting requirements.
- (10) "Notice of intended action" means the written notice to the party of the department's intended action and notice of the right to a hearing pursuant to Chapter 119. of the Revised Code.
- (11) "ODM" means the Ohio department of medicaid.
- (12) "Participants in the hearing" means the party and the party's counsel in the hearing and ODM and ODM's counsel in the hearing.
- (13) "Party" means a person whose interests are the subject of a notice of intended action by ODM.

- (14) "Person" means an individual, corporation, whether nonprofit or for profit, a partnership, a limited liability company, and unincorporated society or association.
- (15) "Medicaid provider" or "provider" means a person or governmental entity with a valid provider agreement to provide medical services or supplies to medicaid recipients. To the extent appropriate in the context, "medicaid provider" or "provider" includes a person or governmental entity applying for a provider agreement, a former medicaid provider, or both.
- (16) "Notice by ordinary mail" means the service obtained by the agency after the party fails to claim the certified mail notice and the agency sends the notice by ordinary mail using a certificate of mailing to the party's last known address and the ordinary mail notice is not returned showing failure of delivery.
- (17) "Provider agreement" means a contract between ODM and a person or governmental entity that allows the person or governmental entity to provide medical services and supplies for the Ohio medicaid program.
- (18) "Take any action based on a final fiscal audit" means ODM issuing a notice of intended action seeking recovery of medicaid overpayments that were identified in the final fiscal audit.

(B) Computation of time deadlines

Section 1.14 of the Revised Code controls the computing of time deadlines imposed by Chapter 119. of the Revised Code and Chapter 5160-70 of the Administrative Code. The time within which an act is required by law to be completed is computed by excluding the first day and including the last day. When the last day falls on a Saturday, Sunday, or legal holiday, the act may be completed on the next succeeding day that is not a Saturday, Sunday, or legal holiday. When the last day to perform an act that is required by law to be performed in a public office occurs when that public office is closed to the public for the entire day, the act may be performed on the next succeeding day that is not a Saturday, Sunday, or legal holiday and on which the public office is open.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5160.02, 5164.02  
Rule Amplifies: 119.06, 119.07, 119.08, 119.09, 119.094, 119.10,  
119.12, 119.13