ATTACHMENT 4.16-B

AMENDMENT TO THE INTERAGENCY AGREEMENT
BETWEEN THE
OHIO DEPARTMENT OF HEALTH
AND THE
OHIO DEPARTMENT OF HUMAN SERVICES
FOR THE
CERTIFICATION OF OUTPATIENT HEALTH FACILITY CENTERS

Pursuant to Section V. Termination and Amendment, the interagency agreement between the Ohio Department of Health and the Ohio Department of Human Services is hereby amended to provide for renewal and continuation of the agreement until such time as the agreement is terminated in accordance with conditions mutually agreed upon by both parties.

EXECUTED THIS 21st DAY OF JUNE 1985.

WITNESS:

Kenneth C. Page 6/18/85
NAME DATE

6/18/85
NAME DATE

SIGNATURE:

DAVID L. JACKSON, DIRECTOR DATE
OHIO DEPARTMENT OF HEALTH

APPROVED:

Robert L. Mullinax 6/20
ROBERT L. MULLINAX, CHIEF DATE
OFFICE OF LEGAL SERVICES

Robert E. Lewis
ROBERT L. LEWIS, DIRECTOR DATE
OFFICE OF THE BUDGET

Patricia K. Barry 6/18/85
PATRICIA K. BARRY, DIRECTOR DATE
OHIO DEPARTMENT OF HUMAN SERVICES

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INTERDEPARTMENT AGREEMENT

BETWEEN

THE OHIO DEPARTMENT OF HUMAN SERVICES

AND

THE OHIO DEPARTMENT OF HEALTH

FOR THE CERTIFICATION OF

OUTPATIENT HEALTH FACILITY CENTERS

I. GENERAL PROVISIONS

A. The Ohio Department of Human Services (hereinafter referred to as "ODHS") is designated the single state agency for the administration of the Medicaid program under Title XIX of the Social Security Act.

B. The Ohio Department of Health (hereinafter referred to as "ODH"), under Section 3701.04(A)(B) of the Ohio Revised Code, has the responsibility for establishing and maintaining standards for health care facilities.

II. RESPONSIBILITIES OF ODH

In accordance with the standards of participation established by ODHS, ODH agrees to perform the function of certifying whether outpatient health facility centers (as defined in ORC 5111.04 and hereinafter referred to as "OHFs") meet the appropriate standards for participation in the Title XIX program and shall perform the following services:

A. Standards of participation for OHFs are prescribed by ORC 5111.04 and rules adopted by ODHS under ORC 119 and OAC 5101:3-29-01. ODH and ODHS applies these standards of participation for use in the certification process.

B. Survey and Certification Responsibilities

1. Upon receiving a request from ODHS for a survey of a potentially eligible applicant, ODH will initiate the survey and certification process in a timely manner.

2. ODH shall make on-site surveys prior to initial certification. On the basis of such surveys, ODH shall certify to ODHS those OHFs found to be in compliance or notify ODHS of those found not to be in compliance with appropriate standards within a reasonable time period.

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3. ODH shall establish the time period for each OHFs' certification status, not to exceed two years. ODH must inform ODHS of deficiencies in any OHF not found in full compliance with the appropriate standards, and a copy of the OHF's plan for correction of each deficiency must be forwarded to ODHS. OHFs not in full compliance with the standards may be granted certification based on an acceptable plan of correction with specific dates for correction of each deficiency not exceeding three (3) months from the survey date. In no instance will an OHF be certified without an on-site survey.

4. Should a written complaint be lodged against a certified OHF clearly raising a question of substantial compliance with the appropriate standards, ODH will investigate the complaint within thirty (30) days of notification of the complaint.

5. When an OHF has multiple sites (e.g., satellite OHFs), each site must be surveyed.

6. ODH, upon request by ODHS shall review the OHFs capability to provide new or additional services.

7. ODH shall conduct hearings and administrative review of certification decisions that may adversely affect the provider.

8. ODH shall not certify a facility in violation of the State of Ohio's Certification of Need program.

C. Information and Reports

1. ODH shall make such reports, in such form and containing such information as required, to ODHS, in consideration of the certification, recertification, or decertification of OHFs. All reports shall be maintained for a period of not less that seven (7) years, unless otherwise mutually agreed upon for the transferral of all such information to ODHS.

2. Obtain and furnish to ODHS, upon request, full and complete information of the ownership of each facility similar to that specified in 42 CFR 455.104 and 455.105.

3. ODH shall make available to ODHS or its agents and the United States Department of Health and Human Services or its agents, statistical, fiscal, other records of operation within the scope of this agreement for inspection and review at all reasonable times.

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D. Consultation Services and Technical Assistance

ODH shall provide consultative services and technical assistance as it deems necessary and appropriate which will be directed towards assisting the OHF to comply with the appropriate standards. ODH shall refer all questions on payment and eligibility of OHFs or recipient eligibility to ODHS.

E. General Provisions

ODH shall employ adequate qualified staff but not less than registered nurses to perform the functions and duties set out in this agreement.

III. RESPONSIBILITIES OF ODHS

In accordance with regulations governing the Title XIX program and the standards as indicated in Section II(A), ODHS shall perform the following functions:

A. Determination of Provider Eligibility

1. Review information submitted by applicant OHFs to determine the applicant's potential for participation in the Title XIX program and to determine the extent to which services provided by the applicant are within the scope of medical services covered by Title XIX. A finding of such potential eligibility does not constitute certification or provider status. Applicants must further be determined to be in compliance with the standards identified in Article II(A) of this agreement in order to be granted provider status under the Title XIX program.

2. Advise OHFs of the scope and limitations of the Ohio Medical Assistance Program (Title XIX) and of their responsibilities to the program and to patients eligible to receive Title XIX medical care and services. Provide consultation services and assistance to providers for meeting the requirements of the provider agreements, for establishing billing procedures, and ascertaining the client's eligibility.

3. Issue provider agreements upon notification of certification by ODH.

4. Determine the effect of transactions involving the ownership or lease of facilities participating in the Medicaid program and take appropriate action in regard to the provider agreements.

B. Certification Responsibilities

1. Inform ODH of all requests by OHFs to participate in the Ohio Medical Assistance program (Title XIX) who have been determined to be potentially eligible.

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2. ODHS will issue a separate provider number for an OHF. If an OHF has multiple sites, one provider number may be issued for one legal entity, (e.g., satellite clinic and parent clinic will be issued only one provider number).

C. Information and Reports

1. Establish and maintain such records as may be necessary to fulfill the requirements of these responsibilities and procedures. These records shall include provider agreements, certification notices, and other records as may be required.

2. Provide ODH with all rules and regulations pertaining to the contractual, financial, and billing requirements which OHFs must meet for participation in the Title XIX program; and inform ODH of changes in federal regulations pertinent to OHF's participation under Title XIX.

D. Payment

1. Compensate ODH for services rendered and costs incurred by ODH with regard to surveys of OHFs. Reimbursement shall be based upon actual and necessary direct and indirect costs justified by program progress reports submitted monthly.

2. Reimbursement shall not exceed the budget amount approved by ODHS for the effective term of this agreement.

IV. MUTUAL RESPONSIBILITIES

A. ODH and ODHS shall work together, on a continuous basis to maintain the effectiveness of this certification program. Appropriate staff will meet at least quarterly to review the program and provider enrollment. ODHS shall maintain communication with ODH providing assistance as needed; and ODH shall be informed of all changes in program policy made by ODHS.

B. None of the services or functions of ODH as provided by this agreement shall be delegated by ODH to any governmental or private agency. Personal service contracts with individuals may be utilized by ODH contingent upon prior approval by ODHS.

C. It is understood and agreed that the entire agreement of the parties is contained herein and includes the exhibits cited herein and attached hereto; and that this agreement supersedes all oral agreements and associations between the parties relating to the subject matter hereof.

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V. TERMINATION AND AMENDMENT

A. Amendments, including amendments to extend the term of this agreement, shall be made only by mutual consent of both parties and shall be reduced to writing or be of no effect.

B. Upon at least sixty (60) days written notice to the other party, each party may terminate this agreement provided, however, that any termination of this agreement shall be without prejudice to any obligation or liability of either party accrued prior to such termination.

C. A judicial or administrative finding, order, or decision that any part of this agreement is illegal or invalid shall not invalidate the remainder of the agreement.

VI. TERM

This agreement shall be effective July 1, 1984 and ending June 30, 1985.

Agreed to and signed this 4th day of September, 1984.

STATE OF OHIO
DEPARTMENT OF HUMAN SERVICES

BY: Patricia K. Barry
PATRICIA K. BARRY, DIRECTOR

DATE: 9/4/84

STATE OF OHIO
DEPARTMENT OF HEALTH

BY: David L. Jackson
DAVID L. JACKSON, M.D., Ph. D.
DIRECTOR

DATE: 9/4/84

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