

STATE OF OHIO
 PLAN FOR ADMINISTRATION OF TITLE XIX
 OF THE SOCIAL SECURITY ACT

TN 73-39
 eff 11/1/74

V. Administration

D. Standard-Setting Authority for Institutions

1. The following are types or kinds of institutions in which medical care and services may be provided under the plan by such institutions:
 - a. Public and voluntary general hospitals
 - b. Public and private skilled nursing homes that are licensed as such by the State Department of Health and in addition have been determined to meet the requirements for skilled nursing homes as specified in applicable regulations.
 - c. Medical units of county homes
2. The types of institutions specified above are subject to the following standard-setting authority:

The State Department of Health

The following citations to State legislation show (a) that the authority is a State authority, as distinguished from a local authority; and (b) that the authority is empowered and has the duty to establish and maintain standards for the types of institutions where medical care and services may be provided under the State plan:

Hospitals

- a. Section 3701.07 of the Revised Code authorizes the Director of Health to define, classify, register and require an annual report of each hospital in this State.
- b. Sections 4515.03 and 4515.04 of the Revised Code required the Director of Health to certify in duplicate to both the Registrar of Motor Vehicles and the Auditor of State the name, address and per diem cost of all hospitals in the State as determined by each hospital's uniform annual report.

D. Standard-Setting Authority for Institutions (Continued)

- c. Sections 3701.04, 3701.06, 3701.09 and 3701.36 to 3701.45 inclusive, of the Revised Code, designates and authorizes the Department of Health to be the sole agency for the administration and enforcement of the federal Hill-Burton Hospital Construction and Related Medical Facilities Law.
- d. Section 339.20 of the Revised Code provides that the Department of Health shall have general supervision of all sanatoria, hospitals and other institutions engaged in the maintenance, care and treatment of persons suffering from tuberculosis and shall formulate and enforce such rules and regulations for the government of such institutions as are necessary.
- e. Sections 3701.71 to 3701.73, inclusive, of the Revised Code provides that in order to comply with the Social Security Amendments of 1950, known as Public Law 734-81st Congress, the Department of Health is designated as the State authority responsible for establishing and maintaining minimum standards for voluntary and governmental hospitals and in units providing medical and nursing care in city and county institutions.
- f. Chapter 3711 of the Revised Code authorizes the Director of Health to license maternity hospitals or homes, lying-in hospitals, and places where women are received and cared for during parturition.

Extended Care Facilities

- g. Under authority of Chapter 3721 of the Revised Code, the Department of Health has broad authority to adopt, administer and enforce standards for the operation of rest homes and nursing homes.

Laboratories

- h. Section 3101.05 and 3701.47 of the Revised Code requires a laboratory to have the approval of the Department of Health in order to perform premarital and prenatal serological tests for syphilis.

General

- i. The Department of Health has broad authority under Section 3701.34 of the Revised Code which provides in part as follows:

"The public health council shall make and amend sanitary regulations to be of general application throughout the state. Such sanitary regulations shall be known as the Sanitary Code."

D. Standard-Setting Authority for Institutions (Continued)

3. Attached and made a part hereof are copies of the standards to be utilized by such State authority for these medical institutions, which include standards related to the factor specified in D-6420, item 3.
4. The State Department of Public Welfare will provide for cooperative agreements with the standard-setting authority to up-grade and extend needed institutional care.
5. The standards for payment for skilled nursing home care outlined in section 1902(a)(28) of the law and interim policy section 249.33 are met in every facility participating in the Title XIX program.
6. Effective July 1, 1970, the Ohio Department of Public Welfare will have in effect a State program for the licensure of nursing home administrators which
 - (1) provides that no nursing home within the State may operate except under the supervision of an administrator licensed in the manner provided under State law;
 - (2) provides for licensing of nursing home operators by a State licensing board representative of the professions and institutions concerned with the care of chronically ill and infirm patients and established to carry out the purpose of section 1908 of the Social Security Act according to pertinent Federal regulations.
7. Effective January 1, 1972, the State Plan provides for Intermediate Care Facility services in accordance with the provisions relating to such services under the State Plans under Titles I, X and XIV, or under Title XVI, of the Social Security Act, as in effect on December 31, 1971.
 - (a) The State Agency will comply with the provisions of Section 4 of the Public Law 92-223.
 - (b) Intermediate Care Facility services in institutions for the mentally ill and the mentally retarded or persons with related conditions are included under the plan.
8. Intermediate Care Facilities I and II are public and private institutions or distinct parts thereof offering health-related care and services to individuals who do not require the care and treatment which a hospital or Skilled Nursing Home provides, but who do require institutional health care above the level of room and board. These facilities, as such, must:

D. Standard-Setting Authority for Institutions (Continued)

- (a) Meet the standards of care prescribed by the Secretary as he finds appropriate for the proper provision of such care in addition to those applicable under the State law.
- (b) Meet such standards of safety and sanitation as are established under regulation of the Secretary in addition to those applicable under State Law.
- (c) Be fully licensed under State Law or formally approved by the licensing agency. Therefore, any written proposal to revoke the license of such facility or similar notification terminates eligibility for the Intermediate Care Program under Title XIX of the Social Security Act. Subsequent vendor or money payment beyond a 30 day period shall not be made for any medical or any other type of remedial care provided by the institution to any welfare recipient as an inpatient.