



September 5, 2019
(E-mail only)

Ms. Amy Hogan
Nursing Facility Policy, Ohio Department of Medicaid
50 West Town Street, Suite 400
Columbus, OH 43215
Phone: 614-752-3076
Amy.Hogan@medicaid.ohio.gov

SUBJECT: Approval of Request to Use CMP Funds

Dear Ms. Hogan:

Sections 1819(h)(2)(B)(ii)(IV)(ff) and 1919(h)(3)(C)(ii)(IV)(ff) of the Social Security Act incorporate specific provisions of the Patient Protection and Affordable Care Act pertaining to the collection and uses of civil money penalties (CMPs) imposed by the Centers for Medicare & Medicaid Services (CMS) when nursing homes do not meet requirements for long term care facilities. In accordance with 42 CFR § 488.433 and CMS Survey & Certification Memo 12-13-NH (effective January 1, 2012) States must obtain approval from CMS for the use of federally imposed CMP funds.

Our office has reviewed the proposal submitted by Tobin & Associate, Inc. for \$835,050.00 to implement a program titled *Rhythm of the Day© Project Proposal*. Rhythm of the Day© provides residents with structure and meaningful interactions that enable them to utilize their mental and physical energies, resulting in an improved quality of life for dementia residents. Additionally, residents will benefit from decreased falls, decreased UTIs (Urinary Tract Infections), and decreased psychotropic drug use.

Based on our review, we find that the requirements at 42 CFR § 488.433 are met and that the proposal may be funded with federally imposed CMP funds.

If you have any questions regarding this decision, please contact Beth Karpiak at (312) 886-5209.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Delich", is written over a light blue horizontal line.

Steven Delich
Acting Branch Manager
Long-Term Care Certification & Enforcement Branch

cc: CMS Quality Assurance