



All Member Call: Supreme Court Decision on Petition for Writ of Mandamus

September 11, 2025

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Agenda

- History: where we've been, why we're here
- Court's decision: what it says and what it doesn't say
- Next steps

History: Highlights from SFY 2024-2025 Budget

- Assisted living waiver
 - Over 80 percent increase to base rate
 - Creation of memory care & critical access add-on rates
- Nursing facilities
 - \$326 million in SFY 2024 / \$446 million in SFY 2025
 - Private room add-on: \$20/30 per day
 - Increase to quality-based funding & changes to quality calculation
- HCBS: Increases ranging from 20-45 percent
- Housing: Ohio Low Income Housing Tax Credit (\$100 million / year)

History: Nursing home proposal for SFY2024-2025 payment

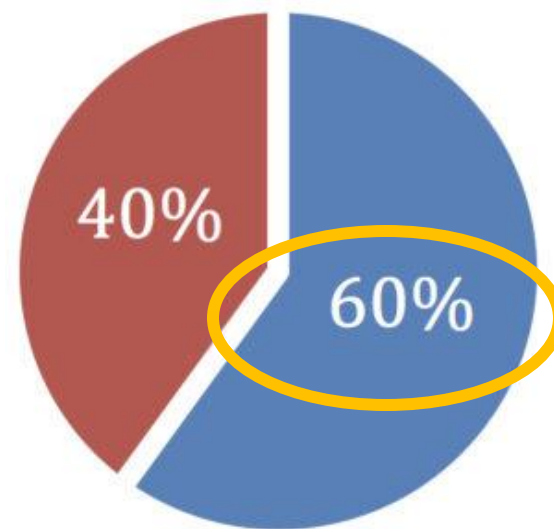
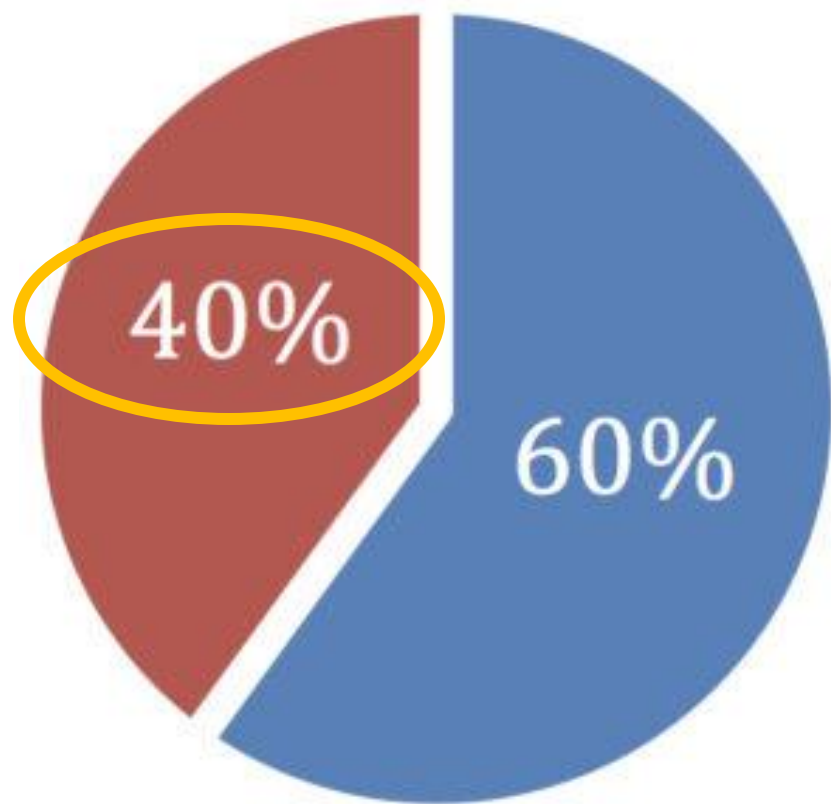
- Rebase to 2022 data (due to extreme inflation in costs caused by the pandemic)
 - 60 percent of this would go to QIP pool
 - 40 percent would rebase the rate, beginning with direct care
- Separate: private room add-on payment
- Nursing facility payment is spelled out in the Ohio Revised Code, which means that it leaves no room for administrative interpretation

Mandamus petition: nursing facility rate

ORC 5165.26 (E) (1) (a):

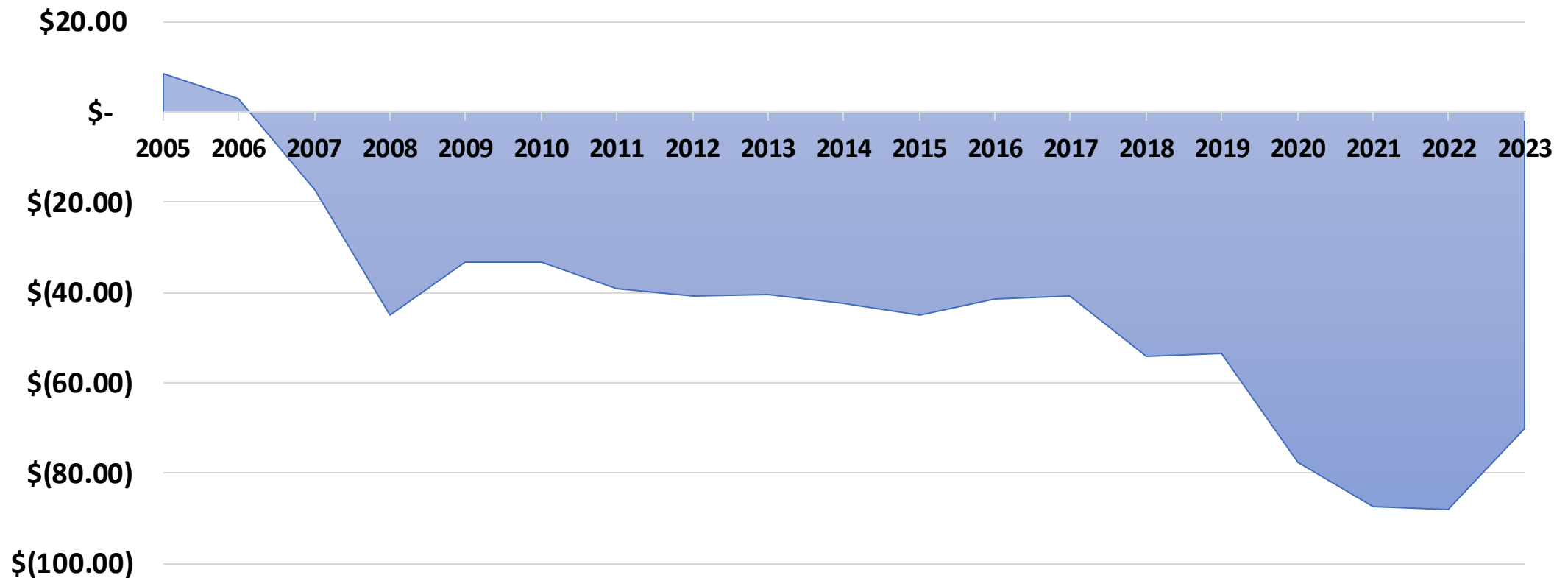
“The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year plus one dollar and seventy-nine cents plus sixty per cent of the per diem amount by which the nursing facility's rate for direct care costs determined for the fiscal year under section 5165.19 of the Revised Code changed as a result of the rebasing conducted under section 5165.36 of the Revised Code.”

Mandamus petition: nursing facility rate



Impact of Medicaid shortfunding

Average Ohio Medicaid Margin, 2005-present



IN THE SUPREME COURT OF OHIO

STATE OF OHIO <i>EX REL.</i>)	CASE NO.
)	
LEADINGAGE OHIO)	
2233 North Bank Drive)	<u>ORIGINAL ACTION IN</u>
Columbus, Ohio 43220,)	<u>MANDAMUS</u>
)	
and)	
)	
OHIO HEALTH CARE ASSOCIATION)	
9200 Worthington Road, Suite 110)	
Westerville, Ohio 43082,)	
)	
and)	
)	
THE ACADEMY OF SENIOR HEALTH)	
SCIENCES, INC.)	
17 S High St., #770)	
Columbus, OH 43215,)	
)	
Plaintiffs/Relators,)	
v.)	
)	
THE OHIO DEPARTMENT OF)	
MEDICAID)	
50 West Town Street, Suite 400)	
Columbus, Ohio 43215)	
)	

Timeline

- February 14, 2024: original file for petition for writ of mandamus.
- July 26, 2024: refiled.
- December 30, 2024: briefing schedule concludes.
- September 2, 2025: Writ granted.
- September 9, 2025: Motion for stay of judgment.

Supreme Court Decision

- Unanimous decision: all 7 justices in agreement
- *“Department and directory failed in their duty to apply R.C. 5125.26 as enacted by General Assembly—Writ granted”*
- What it does not do:
 - Proscribe a timeline for the Department to come into compliance.
 - Speak to how the Department should handle any retroactive payments.

Next steps

- Respond to motion to stay judgment
- Await response from Medicaid leadership on plans moving forward
- Re-educate legislative leaders on this issue



Questions / Discussion