

# ODJFS Rates Suspended Because of MR/DD Lawsuit; Judge Finds Grounds to Suspend Outrageous Rate Billing.

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COLUMBUS, Ohio, April 27 /PRNewswire/ -- Franklin County Common Pleas Judge Richard S. Sheward convened a hearing this morning on Plaintiffs' motion for a [temporary restraining order](#) ("TRO"). After hearing arguments from the parties, Judge Sheward granted the TRO and ordered the following: the [ODJFS](#) is prohibited from making any payments to providers 1) that are above the provider's usual and customary rates; 2) for services that have not been reviewed by a team; and 3) that are not identified in an individual service plan that has been determined to be medically necessary. The TRO is good for fourteen days after which time it will dissolve. Judge Sheward assigned the matter to Magistrate McPhillips who scheduled a preliminary injunction hearing for May 4 and May 6. The Magistrate will take evidence from the parties and determine whether to recommend to Judge Sheward to extend the TRO until the trial date.

This decision was in response to the April 26, 2004, verified complaint filed against the Ohio Department of Job and Family Services (ODJFS) by Delaware County resident Clare Zimmerman, a taxpayer with a developmental disability, and others. The suit was filed in the Franklin County [Court of Common Pleas](#). Other plaintiffs in the suit include the Delaware County Board of Mental Retardation and Developmental Disabilities (DCBMR/DD), and parents and taxpayers from around Ohio including residents from New Albany, Columbus, Akron, Liberty Center, Marion and Lima.

The lawsuit centers on a rule, recently adopted by the ODJFS, which establishes exorbitant rates for certain Medicaid services and removes essential tools used to determine if the Medicaid services are medically necessary. Under existing Medicaid rules, the DCBMR/DD must first pay the costs of Medicaid before paying for non-Medicaid services. The new rates, in at least one case, require the DCBMR/DD to pay over six times the costs of services for the same program that was being provided before the rule.

More background information about the [MR/DD](#) Medicaid crisis in Ohio and the rules being promulgated by ODJFS is available on the web at <http://www.mrddawareness.com/> or by calling Charles H. Arndt at 614.431.0616 or e-mail [carndt@oacbmrrd.org](mailto:carndt@oacbmrrd.org).

Ohio's 88 county boards of MR/DD serve more than 60,000 infants, children and adults with total budgets approximating \$1.6 billion annually. Over half of the monies for community-based services are from locally generated property taxes. The OACBMRDD is a non-profit organization specializing in providing information, continuing education, and legislative liaison to Ohio's 88 county MR/DD boards and has been in existence since January of 1984. The mission of the OACBMRDD is to ensure the availability of programs, services, and supports that assist eligible individuals with mental retardation and developmental disabilities in choosing and achieving a life of increasing capability such that they can live, work, and play in the community, and to assist and support the families of these individuals in achieving this objective.

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