

IN THE SUPREME COURT OF OHIO

Case No. 2024-0238

Original Action in Mandamus

STATE OF OHIO *ex rel.* LEADINGAGE OHIO, *et al.*

Relators

v.

OHIO DEPARTMENT OF MEDICAID, *et al.*

Respondents

ANSWER OF RESPONDENTS

OHIO DEPARTMENT OF MEDICAID AND MAUREEN M. CORCORAN, DIRECTOR

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of Senior Health Sciences Inc.*

ANSWER OF RESPONDENTS
OHIO DEPARTMENT OF MEDICAID AND MAUREEN M. CORCORAN, DIRECTOR

For their answer to the Verified Petition for Writ of Mandamus (“Complaint”) filed by Relators LeadingAge Ohio, The Ohio Health Care Association, and the Academy of Senior Health Sciences (collectively, “Relators”), Respondents Ohio Department of Medicaid and Maureen M. Corcoran, Director (collectively, “ODM”) state as follows:

1. Paragraph 1 contains no factual allegations requiring a response. To the extent paragraph 1 requires a response, ODM denies the allegations in that paragraph.
2. Paragraph 2 contains no factual allegations requiring a response by ODM. To the extent paragraph 2 requires a response, ODM denies the allegations in that paragraph.
3. ODM denies the allegations in paragraph 3.
4. ODM denies the allegations in paragraph 4.
5. ODM denies the allegations in paragraph 5.
6. ODM denies the allegations in paragraph 6.
7. ODM denies the allegations in paragraph 7.
8. ODM denies the allegations in paragraph 8 for lack of knowledge.
9. ODM denies the allegations in paragraph 9 for lack of knowledge.
10. ODM denies the allegations in paragraph 10 for lack of knowledge.
11. ODM admits the allegations in paragraph 11.
12. ODM admits the allegations in paragraph 12.
13. ODM denies the allegations in paragraph 13 for lack of knowledge.
14. ODM denies the allegations in paragraph 14 for lack of knowledge.
15. ODM denies the allegations in paragraph 15 for lack of knowledge.

16. ODM denies the allegations in paragraph 16 for lack of knowledge.
17. Paragraph 17 contains no factual allegations requiring a response by ODM.
18. ODM denies the allegations in paragraph 18.
19. Paragraph 19 contains no factual allegations requiring a response by ODM. To the extent paragraph 19 requires a response, ODM denies the allegations in that paragraph.
20. Paragraph 20 contains no factual allegations requiring a response by ODM. To the extent paragraph 20 requires a response, ODM denies the allegations in that paragraph.
21. Paragraph 21 contains no factual allegations requiring a response by ODM. To the extent paragraph 21 requires a response, ODM denies the allegations in that paragraph.
22. Paragraph 22 contains no factual allegations requiring a response by ODM. To the extent paragraph 22 requires a response, ODM denies the allegations in that paragraph.
23. Paragraph 23 contains no factual allegations requiring a response by ODM. To the extent paragraph 23 requires a response, ODM denies the allegations in that paragraph.
24. Paragraph 24 contains no factual allegations requiring a response by ODM. To the extent paragraph 24 requires a response, ODM denies the allegations in that paragraph.
25. Paragraph 25 contains no factual allegations requiring a response by ODM. To the extent paragraph 25 requires a response, ODM denies the allegations in that paragraph.
26. Paragraph 26 contains no factual allegations requiring a response by ODM. To the extent paragraph 26 requires a response, ODM denies the allegations in that paragraph.
27. Paragraph 27 contains no factual allegations requiring a response by ODM. To the extent paragraph 27 requires a response, ODM denies the allegations in that paragraph.
28. Paragraph 28 contains no factual allegations requiring a response by ODM. To the extent paragraph 28 requires a response, ODM denies the allegations in that paragraph.

29. Paragraph 29 contains no factual allegations requiring a response by ODM. To the extent paragraph 29 requires a response, ODM denies the allegations in that paragraph.

30. Paragraph 30 contains no factual allegations requiring a response by ODM. To the extent paragraph 30 requires a response, ODM denies the allegations in that paragraph.

31. Paragraph 31 contains no factual allegations requiring a response by ODM. To the extent paragraph 31 requires a response, ODM denies the allegations in that paragraph.

32. Paragraph 32 contains no factual allegations requiring a response by ODM. To the extent paragraph 32 requires a response, ODM denies the allegations in that paragraph.

33. Paragraph 33 contains no factual allegations requiring a response by ODM. To the extent paragraph 33 requires a response, ODM denies the allegations in that paragraph.

34. Paragraph 34 contains no factual allegations requiring a response by ODM. To the extent paragraph 34 requires a response, ODM denies the allegations in that paragraph.

35. Paragraph 35 contains no factual allegations requiring a response by ODM. To the extent paragraph 35 requires a response, ODM denies the allegations in that paragraph.

36. Paragraph 36 contains no factual allegations requiring a response by ODM. To the extent paragraph 36 requires a response, ODM denies the allegations in that paragraph.

37. Paragraph 37 contains no factual allegations requiring a response by ODM. To the extent paragraph 37 requires a response, ODM denies the allegations in that paragraph.

38. Paragraph 38 contains no factual allegations requiring a response by ODM. To the extent paragraph 38 requires a response, ODM denies the allegations in that paragraph.

39. Paragraph 39 contains no factual allegations requiring a response by ODM. To the extent paragraph 39 requires a response, ODM denies the allegations in that paragraph.

40. Paragraph 40 contains no factual allegations requiring a response by ODM. To the extent paragraph 40 requires a response, ODM denies the allegations in that paragraph.

41. Paragraph 41 contains no factual allegations requiring a response by ODM. To the extent paragraph 41 requires a response, ODM denies the allegations in that paragraph.

42. Paragraph 42 contains no factual allegations requiring a response by ODM. To the extent paragraph 42 requires a response, ODM denies the allegations in that paragraph.

43. Paragraph 43 contains no factual allegations requiring a response by ODM. To the extent paragraph 43 requires a response, ODM denies the allegations in that paragraph.

44. ODM denies the allegations in paragraph 44.

45. ODM denies the allegations in paragraph 45.

46. Paragraph 46 contains no factual allegations requiring a response by ODM. To the extent paragraph 46 requires a response, ODM denies the allegations in that paragraph.

47. ODM denies the allegations in paragraph 47.

48. With respect to the allegations in paragraph 48, ODM admits only that it made no error in its calculation of the “base rate.” ODM denies the remaining allegations in paragraph 48.

49. ODM denies the allegations in paragraph 49.

50. ODM denies the allegations in paragraph 50.

51. ODM denies the allegations in paragraph 51.

52. Paragraph 52 contains no factual allegations requiring a response by ODM. To the extent paragraph 52 requires a response, ODM denies the allegations in that paragraph.

53. With respect to the allegations in paragraph 53, ODM admits only that Relators submitted a rate reconsideration request and have attached a copy to the Complaint. ODM denies the remaining allegations in paragraph 53.

54. ODM admits the allegations in paragraph 54.

55. Paragraph 55 contains no factual allegations requiring a response by ODM. To the extent paragraph 55 requires a response, ODM denies the allegations in that paragraph.

56. Paragraph 56 contains no factual allegations requiring a response by ODM. To the extent paragraph 56 requires a response, ODM denies the allegations in that paragraph.

57. Paragraph 57 contains no factual allegations requiring a response by ODM. To the extent paragraph 57 requires a response, ODM denies the allegations in that paragraph.

58. Paragraph 58 contains no factual allegations requiring a response by ODM. To the extent paragraph 58 requires a response, ODM denies the allegations in that paragraph.

59. Paragraph 59 contains no factual allegations requiring a response by ODM. To the extent paragraph 59 requires a response, ODM denies the allegations in that paragraph.

60. Paragraph 60 contains no factual allegations requiring a response by ODM. To the extent paragraph 60 requires a response, ODM denies the allegations in that paragraph.

61. ODM denies the allegations in paragraph 61.

* * *

ODM denies all allegations in the Complaint that are not expressly admitted in the Answer.

ODM denies that Relators are entitled to any of the relief sought in the prayer at the end of the Complaint.

AFFIRMATIVE DEFENSES

1. Relators' claims are barred in whole or in part for failure to state a claim.
2. Relators' claims are barred in whole or in part by the doctrine of estoppel.
3. Relators' claims are barred in whole or in part by the doctrine of laches.
4. Relators' claims are barred in whole or in part by the doctrine of waiver.

5. Relators' claims are barred in whole or in part by the doctrine of unclean hands.
6. Relators' claims are barred in whole or in part by the doctrine of accord and satisfaction.
7. Relators' claims are barred in whole or in part for failure to exhaust administrative remedies.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of April 2024, a copy of the foregoing was served by email upon the following:

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/s/ Frank J. Reed, Jr.