

# Nursing Facility QIP & Supreme Court Mandamus

## Member Talking Points



Almost six months have passed since the Supreme Court unanimously ruled that the Department of Medicaid (ODM) must apply the statute as written. While both ODM and legislative leaders have acknowledged the obligation, there is still no timeline or clear process for resolution.

### **Sample phone script**

*"Hello, this is [\_\_ Name\_\_] from [\_\_ organization\_\_], located in your district, which serves [\_\_ number of total residents\_\_] older Ohioans in your district, [\_\_ number of Medicaid residents\_\_] of whom rely on the Medicaid nursing home program. You likely know that Ohio nursing homes are still waiting on quality payments from the state of Ohio, and I wanted you to understand the impact on our community in your district. We believe that our community should receive an estimated \$[ \_\_ QIP payments owed\_\_], which we will use to [ \_\_ hire more staff / invest in updates / increase wages / etc. \_\_]. We encourage you to move quickly in your discussions with Medicaid so that we can receive these overdue quality payments for the elders in our community."*

### **Talking Points**

#### *What happened*

- In September 2025, the Ohio Supreme Court unanimously ruled that Medicaid failed to follow the nursing facility reimbursement law passed by the General Assembly and ordered ODM to apply the statute as written.
- On November 19, 2025, the legislature passed HB184, which included language to affirm the Ohio Department of Medicaid's methodology moving forward from the effective date of the bill, March 19, 2026.

#### *Where things stand now*

- ODM has acknowledged the need to recalculate rates and issue back payments.
- January 1, 2026 rates will not yet reflect the corrected calculation.
- ODM has made clear that additional legislative appropriations are required to make providers whole.

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### *Why this matters to providers and residents*

- Ohio's average Medicaid nursing facility margin remains deeply negative—on average, \$60 per day below the cost of providing care.
- Nursing facilities have operated for more than two years without the funding the legislature approved, running leaner and forestalling improvements to cope with losses. Many have closed and/or transitioned ownership because of financial pressures.

### *The ask (keep it simple)*

- We are asking legislators to support a timely appropriation that allows Medicaid to make the nursing facility quality incentive payments as required by law and affirmed by the Ohio Supreme Court.