



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

**Utah Department of Health
Executive Director's Office**

W. David Patton, PhD
Executive Director

Michael Hales
*Deputy Director, Utah Department of Health
Director, Division of Medicaid and Health Financing*

Rick Platt
Director, Bureau of Financial Services

July 13, 2015

Dear Administrator *and* FCP Preparer:

It is that time of year to prepare and submit your Facility Cost Profile (FCP). The FCP for the fiscal year ending June 30, 2015 **must arrive** in our offices on or before **Tuesday, Septemeber 1, 2015 by 6:00 p.m.** **USE THE FORMS FOR FISCAL YEAR 2015.** The FCP instructions and forms for fiscal year 2015 can be downloaded at the following address:

<http://health.utah.gov/medicaid/stplan/NursingHomes/NhFcpForms.htm>

If miscellaneous income or expenses in any category exceed the limits stated on the form, you **must** provide a separate detail schedule of those revenues and expenses.

Please e-mail your completed electronic forms to dmeadows@utah.gov. Also, send one signed original of the forms and supporting documents to:

(Via FedEx or UPS)

David Meadows
Utah Department of Health
Division of Medicaid and Health Financing
Bureau of Financial Services
288 North 1460 West
Salt Lake City, UT 84116

(Via U.S. Post Office)

David Meadows
Utah Department of Health
Division of Medicaid and Health Financing
Bureau of Financial Services
PO Box 143104
Salt Lake City, UT 84114-3104

Failure to submit the FCP on time will result in the withholding of Medicaid payments from your facility. The Utah State Plan Attachment 4.19-D, Section 332 states (bold added):

The FCP is due two months after the end of the reporting period... The provider may request a 15-day extension for extenuating circumstances. The request must be made in writing prior to the due date. The State may grant a 15-day extension only when justified. **Failure to file timely FCPs can result in the withholding of payments** as described in Section 720.



If your facility needs to request a deadline extension, please submit your written request via e-mail to my e-mail address.

It is imperative that you disclose all related companies and employees. Schedule C-2 has been altered for 2015 to allow easier entry of related party information.

From CMS Pub 15-1, Section 902.5 we read who is considered a related employee:

“...the following persons are considered ‘immediate relatives’: (1) husband and wife; (2) natural parent, child and sibling; (3) adopted child and adoptive parent; (4) stepparent, stepchild, stepbrother, and stepsister; (5) father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law; (6) grandparent and grandchild.”

In addition, the *Code of Federal Regulations (CFR)* states the following:

42 CFR 455.101 Definitions:

“Person with an ownership or control interest means a person or corporation that--

- (a) Has an ownership interest totaling 5 percent or more in a disclosing entity;
- (b) Has an indirect ownership interest equal to 5 percent or more in a disclosing entity;
- (c) Has a combination of direct and indirect ownership interests equal to 5 percent or more in a disclosing entity;
- (d) Owns an interest of 5 percent or more in any mortgage, deed of trust, note, or other obligation secured by the disclosing entity if that interest equals at least 5 percent of the value of the property or assets of the disclosing entity;
- (e) Is an officer or director of a disclosing entity that is organized as a corporation; or
- (f) Is a partner in a disclosing entity that is organized as a partnership.”

42 CFR 455.104(d):

"Denial of Federal financial participation (FFP). FFP is not available in payments made to a provider or fiscal agent that fails to disclose ownership or control information as required by this section."

Note that rent paid by a provider to a related party lessor is not an allowable cost. Please refer to page 13 of the FCP Instructions (available on the website) for further details.

If you have any questions about related parties, or if you have general questions about the FCP forms, please contact me at dmeadows@utah.gov or (801) 538-6790.

Sincerely,

David Meadows
Medicaid Auditor

cc: Janica Gines, Steven Jones, Aaron Eliason