**Section 145.40 Initial IMD Review, Determination and Classification of Facilities**

a) An initial review of data on nursing facility residents in enrolled nursing facilities shall be conducted by the Department. The initial data review shall be based on Minimum Data Set data electronically submitted to the Department on nursing facility residents who are residents of the facility as of March 1, 2001. Based on the review, a determination shall be made of the number of residents whose current need for nursing facility care results from mental disease. The facility's total resident census shall be determined by the Department at the time of the data review.

b) The percentage of residents whose current need for nursing facility care results from mental disease will be determined by dividing the number of the residents whose current need for nursing facility care results from mental disease, identified in the data review in subsection (a) of this Section, by the total resident census.

c) If the initial data review of a facility indicates that further information is needed in order to determine whether the current need for nursing facility care for more than 50 percent of all residents in the facility results from mental diseases, the Department may contact the facility or make an on-site visit to obtain additional information. The Department will verify the resident count and make a determination of the facility's IMD status based on the IMD Guidelines.

d) If a facility is determined to be an IMD during the initial review and determination, the Department shall notify the facility that it has been identified as a Class I IMD nursing facility.

e) A facility that is classified as a Class I IMD nursing facility in accordance with the review and determination process in this Section shall receive the Class I IMD per diem reimbursement rate as stipulated in Section 145.80(a).

f) A change in ownership or operator shall not change or otherwise affect the designation of a facility as an IMD under this Section.

g) A Class I IMD facility that no longer meets the definition of an IMD shall relinquish its Class I IMD classification and may not again be classified as a Class I IMD.