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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. LaRe and Brennan

Jason Hoskins, Attorney

### SUMMARY

- Imposes notification requirements regarding the Medicaid estate recovery program.
- Requires the Department of Medicaid (ODM) to provide notice of the Medicaid estate recovery program, including specified information, both when an individual applies for and is approved for Medicaid.
- Also requires ODM to develop (1) a consumer-focused notification explaining how the Medicaid estate recovery program works and (2) a notification for Medicaid recipients who may be at risk of being subject to the Medicaid estate recovery program, listing available resources.
- Requires ODM to adopt rules to implement the bill's notification requirements.

### DETAILED ANALYSIS

#### Notification regarding the Medicaid estate recovery program

The bill imposes notification requirements regarding the Medicaid estate recovery program. That program seeks repayment of Medicaid benefits from certain Medicaid recipients' estates after death. Under the bill, ODM must notify each Medicaid applicant for a Medicaid component subject to the Medicaid estate recovery program of the existence of the program, including:

- A statement that if the recipient meets the criteria for Medicaid estate recovery, the recipient's estate may be subject to recovery after the recipient's death;
- A list of health care and other services to which Medicaid estate recovery applies; and

- The per member per month capitation payment or managed care premium amount paid by ODM to each Medicaid managed care organization in the previous year.<sup>1</sup>

### **Notice upon approval**

ODM must again notify each applicant about the Medicaid estate recovery program when the applicant is approved for Medicaid, including the following information:

- How to file a complaint with ODM regarding the enrollee’s Medicaid benefits;
- How to inquire about the status of Medicaid benefits; and
- How to disenroll from Medicaid.<sup>2</sup>

### **Additional notice**

The bill also requires ODM to create two additional notices regarding the Medicaid estate recovery program:

1. A consumer-focused notice that explains in plain language how the Medicaid estate recovery program works, including examples. ODM must engage Medicaid consumers to participate in the development and review of the notification and any additional accompanying materials; and
2. A notice for Medicaid recipients who may be at risk of being subject to the Medicaid estate recovery program, listing available resources for consumer support (such as legal aid and estate planning resources).<sup>3</sup>

### **Rulemaking**

To ensure compliance with the bill’s notification requirements, ODM must adopt rules, in accordance with the Administrative Procedure Act (R.C. Chapter 119) to do all of the following:

- Require the first page of the Medicaid application to be a document that includes the information enumerated in “**Notice upon application**” above;
- Require that an eligibility determination notice sent to an applicant after approval for Medicaid include the information enumerated in “**Notice upon approval**” above; and
- Specify the form and dissemination of the Medicaid estate recovery notices required by the bill, including a process for identifying Medicaid recipients who may be at risk of being subject to estate recovery.<sup>4</sup>

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<sup>1</sup> R.C. 5162.213(A)(1) and (B)(1).

<sup>2</sup> R.C. 5162.213(A)(2) and (B)(2).

<sup>3</sup> R.C. 5162.213(A)(3).

<sup>4</sup> R.C. 5162.213(B).

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## HISTORY

Action	Date
Introduced	02-24-25

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