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OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 60
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Schaffer

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SUMMARY

- Requires the Department of Medicaid to ensure that each Medicaid applicant for a component subject to the Medicaid Estate Recovery Program certifies that the applicant was notified about the program.
- Requires the Medicaid Director to adopt rules establishing the form and manner of certification.

DETAILED ANALYSIS

Medicaid Estate Recovery Program notification

The bill requires the Ohio Department of Medicaid (ODM) to ensure that every applicant applying to participate in a Medicaid program component subject to the Medicaid Estate Recovery Program certify that the applicant has received notification regarding the program before enrolling in that Medicaid program component. Additionally, the bill requires the Medicaid Director to adopt rules to establish the form and manner of the certification. The form must include a signature of understanding from the applicant or a person authorized to sign on the applicant's behalf.¹

Background – Medicaid Estate Recovery Program

Federal law requires ODM to implement an estate recovery program under which the Department, with certain exceptions, must seek a repayment or recovery from the estates of certain deceased Medicaid recipients to pay for the Medicaid services rendered on the deceased recipient's behalf.² Upon death, the Ohio Attorney General, on behalf of ODM,

¹ R.C. 5162.213.

² R.C. 5162.21, not in the bill.

generally must seek to obtain repayment of the cost of Medicaid benefits provided to a Medicaid-eligible individual who was either permanently institutionalized (regardless of the individual's age) or age 55 or older.³

Existing Ohio law details the various components of the program, including the role of the Attorney General's Office in estate recovery, when estate recovery is prohibited, and procedures for claiming a hardship waiver from estate recovery.⁴ ODM has created a form that includes additional information about the Medicaid Estate Recovery Program. The form includes a note for county departments of job and family services that requires them to make note when it is distributed to a consumer.⁵

HISTORY

Action	Date
Introduced	02-09-21

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³ Ohio Administrative Code (O.A.C.) 5160:1-2-07(C).

⁴ See R.C. 5162.21, 5162.211, and 5162.212, all not in the bill; O.A.C. 5160:1-2-07.

⁵ See Ohio Department of Medicaid's [Ohio Medicaid Estate Recovery \(PDF\)](#), which is available on ODM's website: medicaid.ohio.gov.