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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 572  
134<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsors:** Reps. Ginter and Carruthers

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### SUMMARY

- Requires the Department of Aging and the Department of Medicaid to each establish programs to provide additional payments to assisted living facilities (referred to as “residential care facilities” in the Revised Code) that are eligible to participate in the Assisted Living waiver Medicaid program.
- Specifies payment levels for assisted living facilities that are reimbursed under Service Tier Reimbursement Rate III in the Assisted Living waiver.
- Permits the Director of Aging and the Medicaid Director to establish payment levels for other residential care facilities.
- Within 90 days of the bill’s effective date, requires the Director of Aging and the Medicaid Director to adopt rules to establish the programs.

### DETAILED ANALYSIS

#### Overview

The Ohio Department of Aging administers Ohio’s Assisted Living Waiver Program, under which the Medicaid program pays the costs of care in participating assisted living facilities (referred to as “residential care facilities” in the Revised Code) for Medicaid-eligible individuals. This allows the consumer to use personal resources to cover room and board expenses, which are not covered by Medicaid.

## New program

The bill requires the Director of Aging and the Medicaid Director to each establish a program to provide additional payments to assisted living facilities that meet the requirements to participate in the Assisted Living Waiver Program.<sup>1</sup>

## Payment levels

Under the new programs, the Medicaid Director and the Director of Aging must establish payment levels for assisted living facilities that are reimbursed under Service Tier Reimbursement Rate III under the Assisted Living waiver.

The payment levels are based on the percentage of the facility's residents who participate in the Assisted Living waiver, and the payment amounts are based on a percentage of the average Medicaid payment rate for all Ohio nursing facilities, as follows:<sup>2</sup>

Percentage of residents in the Assisted Living waiver	Payment rate (as a percentage of the average nursing facility Medicaid payment rate)
15%-29.99%	35%
30%-49.99%	40%
50%-69.99%	50%
70%-100%	60%

The Medicaid Director and the Director of Aging may establish payment rates for other assisted living facilities not described above.

## Rules

Within 90 days of the bill's effective date, the Medicaid Director, in consultation with the Director of Aging, must adopt rules to implement the new programs. The Director of Aging also must adopt rules in that timeframe, and those rules must be consistent with the Medicaid Director's rules.<sup>3</sup>

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<sup>1</sup> R.C. 173.57(B) and 5166.45(B).

<sup>2</sup> R.C. 173.57(C) and 5166.45(C) and (D).

<sup>3</sup> R.C. 173.57(D) and 5166.45(E).

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## HISTORY

Action	Date
Introduced	02-15-22
Reported, H. Families, Aging, and Human Services	12-01-22
Passed House (92-0)	12-13-22

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