

Executive

As Passed By House

**AGECD4 Ohio Advisory Council for the Aging**

**R.C. 173.03**

Specifies that the Ohio Advisory Council for the Aging's purpose is to advise ODA on the objectives of the federal Older Americans Act of 1965 and as directed by the Governor, rather than requiring the Council, as under current law, to carry out its role as defined under the Older Americans Act;

Eliminates obsolete provisions regarding the date by which the Council members appointed by the Governor were to have been first appointed.

**Fiscal effect: None.**

**R.C. 173.03**

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**AGECD3 Acting director of ODA**

**R.C. 173.05, (Repealed)**

Repeals the laws requiring: (1) the deputy director of ODA to be the acting director when the ODA Director is absent or disabled or the position is vacant; and (2) the ODA Director to specify who is to be the acting director when a deputy director has not been appointed.

**Fiscal effect: None.**

No provision.

**AGECD2 Golden Buckeye Card program**

**R.C. 173.06**

Expands the possible forms of the Golden Buckeye Card program cards by specifying that the cards may be physical or electronic, and may be an endorsement on a card for another program.

**Fiscal effect: There could be upfront costs to make these adjustments. However, there could be possible reductions in printing and mailing costs if electronic cards are issued in place of physical cards.**

**R.C. 173.06**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**AGECD1 Long-term care ombudsmen representative training**

**R.C. 173.21**

Regarding training for non-volunteer representatives of the Office of the State Long-Term Care Ombudsman:

**R.C. 173.21**

Same as the Executive.

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(1) Reduces training hours for unsupervised case management, to 36 from 40.

(2) Eliminates, for continued employment, an additional 60 hours of required training, a 20-hour internship, and a required observation of the ODH Director's Medicaid certification inspection of a nursing facility or the OhioMHAS Director's licensing inspection of a residential facility; instead, permits ODA to adopt rules requiring representatives to complete additional instruction, an internship, in-service training, and continuing education.

(1) Same as the Executive.

(2) Same as the Executive.

**Fiscal effect: Possible minimal rule promulgation costs if ODA adopts rules. However, volunteers pay for any potential training costs, so volunteers could have fewer related expenses if hours were reduced.**

**Fiscal effect: Same as the Executive.**

AGECD16 Home health and personal care aide training

No provision.

**R.C. 173.525**

Prohibits ODA from requiring more than eight hours of pre-service training for home health aides (HHAs) and personal care aides (PCAs) providing services under the PASSPORT Program.

No provision.

Prohibits ODA from requiring more than six hours of annual in-service training for HHAs and PCAs providing services under the PASSPORT Program.

No provision.

Permits a registered nurse, licensed practical nurse, or nurse aide to supervise an HHA or PCA providing services under the PASSPORT Program.

**Fiscal effect: Minimal.**

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**AGECD6 Nursing home quality initiative projects**

**R.C. 173.60**

Requires ODA to provide infection prevention and control and facility technical assistance to nursing homes and other long-term care facilities as part of a quality initiative improvement project, subject to the availability of funds.

**Fiscal effect: ODA provides some of these services now. There could be an increase in administrative costs if any additional services or assistance is provided.**

**R.C. 173.60**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**AGECD7 Board of Executives of Long-Term Services and Supports membership**

**R.C. 4751.02**

Expands eligibility for the consumer member of the Board of Executives of Long-Term Services and Supports (BELTSS), who must be a consumer of services in a long-term services and supports setting, to also include the representative of such a consumer.

**Fiscal effect: None.**

**R.C. 4751.02**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**AGECD5 Complaint confidentiality**

**R.C. 4751.30**

Adds an exception to the prohibition that complaints made to BELTSS are confidential, to permit BELTSS to use the information in administrative hearings.

Requires entities receiving the confidential information to maintain the confidentiality as if it were BELTSS.

Clarifies that the information may be admitted in a judicial proceeding only pursuant to the Rules of Evidence, and requires the presiding court to take measures to ensure confidentiality.

**Fiscal effect: Minimal.**

**R.C. 4751.30**

Same as the Executive.

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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**AGECD8 Long-term care**

**Section: 209.20**

Permits ODM, pursuant to an interagency agreement, to designate ODA to perform level of care assessments.

Requires ODA to provide long-term care consultations to assist individuals in planning for their long-term health care needs.

Requires ODA to administer the Medicaid waiver-funded PASSPORT Home Care Program, the Assisted Living Program, and PACE as delegated by ODM in an interagency agreement.

**Section: 209.20**

Same as the Executive.

Same as the Executive.

Same as the Executive.

**AGECD9 Performance-based reimbursement**

**Section: 209.20**

Permits ODA to design and utilize a payment method for PASSPORT Administrative Agencies (PAA) that includes a pay-for-performance incentive component that is earned by a PAA when defined consumer and policy outcomes are achieved.

Requires ODA to submit a report outlining the payment method to JMOC prior to filing the proposed rule with JCARR.

**Fiscal effect: Potential impact on earnings received by PAAs if the pay-for-performance is utilized and outcomes are achieved. ODA will experience administrative costs to submit reports and promulgate rules.**

**Section: 209.20**

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**AGECD10 MyCare Ohio**

**Section: 209.30**

Extends the authority of the Office of the State Long-Term Care Ombudsman to MyCare Ohio during the period of the federal financial alignment demonstration program.

**Fiscal effect: Potential increase in administrative costs.**

**Section: 209.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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**AGECD11 Senior Community Services**

**Section: 209.30**

No provision.

Permits GRF ALI 490411, Senior Community Services, to be used for programs, services, and activities designated by ODA. Permits ODA to also use these funds to provide grants to community organizations to support and expand older adult programming. Requires service priority to be given to low-income, high need persons and/or persons with a cognitive impairment who are 60 years of age or over.

**Section: 209.30**

Earmarks \$600,000 in FY 2024 and \$300,000 in FY 2025 in GRF ALI 490411, Senior Community Services, for the Senior Transportation Accessibility and Modernization Pilot Program, administered by Senior Transportation Connection in Cuyahoga County.

Same as the Executive, but requires the remainder of the line item to be used for these purposes.

**AGECD12 National Senior Service Corps**

**Section: 209.30**

Permits GRF ALI 490506, National Senior Service Corps, to be used by ODA to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following: (1) the Foster Grandparents Program; (2) the Senior Companion Program; and (3) the Retired Senior Volunteer Program.

Requires a grant recipient to use funds to support priorities established by ODA and the Ohio State Office of the Corporation for National and Community Service.

Prohibits ODA and any area agencies on aging involved in the distribution of funds to lower-tiered grant recipients to use funds to cover administrative costs.

**Section: 209.30**

Same as the Executive.

Same as the Executive.

Same as the Executive.

**AGECD15 Community Projects**

No provision.

**Section: 209.30**

Requires GRF ALI 490510, Community Projects, to be distributed to the Benjamin Rose Institute on Aging to provide mental health services.

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**AGECD13 Board of Executives of Long-Term Services and Supports**

**Section: 209.30**

Permits Fund 5MT0 ALI 490627, Board of Executives of Long-Term Care Services and Supports, to be used to administer and enforce the Nursing Home Administration law and rules adopted under it.

**Section: 209.30**

Same as the Executive.

**AGECD14 Healthy Aging Grants**

**Section: 209.30**

Requires ODA to use Fund 5CV3 ALI 490678, Healthy Aging Grants to Local Partners, to provide one-time grants to local partners to foster improved quality of life for seniors so they can remain in their homes and connected to their communities, delay entry into Medicaid, preserve their personal assets, and promote a healthy, independent, active lifestyle.

**Section: 209.30**

Same as the Executive, but (1) changes the ALI name to "Healthy Aging Grants" and (2) requires the grants to be provided to the "board of county commissioners, or the county executive and county council of a charter county, in all counties" instead of to "local partners."

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**DDDCD22 ICF/IID payment rate**

**R.C. 5124.15**

No provision.

Increases the per Medicaid day rate for ICFs/IID by adding a professional workforce development payment equal to 6.5% of an ICF/IID's desk-reviewed, actual, allowable costs.

**Fiscal effect: Depends on future cost reports. DODD projects a potential annual increase of \$25 million (all funds) on top of the payment rate.**

**DDDCD14 Competitive wages for direct care workforce of Medicaid services**

**Section: 261.150**

Requires provider rate increases be used for increased wages and needed workforce supports.

Provides that the increased wages and workforce supports are to be funded from the DODD, ODM, and ODA budgets.

**Fiscal effect: Estimated annual impact of \$375 million (all funds).**

**R.C. 5124.15, Section 261.75**

Earmarks \$42,990,146 in FY 2024 and by \$145,076,944 in FY 2025 from GRF ALI 653407, Medicaid Services, and \$76,426,925 in FY 2024 and \$257,914,568 in FY 2025 from Fund 5A40 ALI 653654, Medicaid Services, to be used for increasing base payment rates to \$17 an hour in FY 2024 beginning on January 1, 2024, and to \$18 an hour in FY 2025 for certain direct care services under the home and community-based waivers administered by DODD. (See also MCDCCD67)

Same as the Executive, but changes to 13.55% in FY 2024 and 20.81% in FY 2025.

**Fiscal effect: Increases the appropriations for ALIs 653407 and 653654 by the same amounts to fund the rate increase earmarks.**

**Section: 261.150**

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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**MCDCD63 Home health and personal care aide training**

No provision.

**R.C. 5164.913**

Prohibits ODM from requiring more than eight hours of pre-service training for home health aides (HHAs) and personal care aides (PCAs) providing services under the MyCare Program.

No provision.

Prohibits ODM from requiring more than six hours of annual in-service training for HHAs and PCAs providing services under the MyCare Program.

No provision.

Permits a registered nurse, licensed practical nurse, or nurse aide to supervise an HHA or PCA providing services under the MyCare Program.

**Fiscal effect: None.**

**MCDCD67 Direct care payment rates**

No provision.

**Section: 333.29**

Earmarks \$47,086,175 in FY 2024 and \$194,924,947 in FY 2025 in GRF ALI 651525, Medicaid Health Care Services, to be used to increase provider wages to \$17 an hour in FY 2024 beginning on January 1, 2024, and to \$18 an hour in FY 2025 for certain direct care services and other home and community-based services administered by ODM and ODA. (See also DDDCD26)

**Fiscal effect: Increases GRF ALI 651525, Medicaid Health Care Services, by the same amount, including a state share of \$16,951,023 in FY 2024 and \$70,172,981 in FY 2025, to fund the earmark and the rate increases.**

**MCDCD8 Cash transfers from the Health Care/Medicaid Support and Recoveries Fund to the Department of Aging for the ombudsman program**

**Section: 333.90**

Permits the OBM Director, upon request of the ODM Director, to transfer up to \$1,000,000 cash in each fiscal year from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to ODA. Requires that any transferred funds be used to support ODA's ombudsman program, and appropriates any transferred amounts.

**Section: 333.90**

Same as the Executive.



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**MCD14 Home and community based services appropriations - state**

**Section: 333.150**

Permits the OBM Director to authorize additional expenditures in Fund 5HC8 ALLs 651698, MCD Home and Community Based Services, 653698, DDD Home and Community Based Services, 652698, MHA Home and Community Based Services, 655698, JFS Home and Community Based Services, and 656698, AGE Home and Community Based Services, conditional on the additional expenditures being offset by equal expenditure reductions in another of these identified ALLs.

Stipulates that any additional expenditures shall be used in accordance with federal rules and shall comply with ODM's Medicaid state plan approved by the federal government. Appropriates any additional expenditures.

**Section: 333.150**

Same as the Executive.

Same as the Executive.

**MCD15 Home and community based services appropriations - federal**

**Section: 333.160**

Permits the OBM Director to authorize additional expenditures in Fund 3HC8 ALLs 651699, MCD Home and Community Based Services – Federal, 653699, DDD Home and Community Based Services – Federal, 652699, MHA Home and Community Based Services – Federal, 655699, JFS Home and Community Based Services – Federal, and 656699, AGE Home and Community Based Services – Federal, conditional on the additional expenditures being offset by equal expenditure reductions in another of these identified line items.

Stipulates that any additional expenditures be used in accordance with federal rules and comply with ODM's Medicaid state plan approved by the federal government. Appropriates any additional expenditures.

**Section: 333.160**

Same as the Executive.

Same as the Executive.

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**MCD22 Competitive wages for direct care workforce of Medicaid services**

**Section: 333.230**

Requires ODM, in collaboration with ODA and DODD, to use provider rate increase funding included in the bill to ensure workforce stabilities and greater access to care for Medicaid recipients through increased wages and workforce supports.

**Section: 333.230**

Same as the Executive.

**MCD23 Medicaid assisted living program payment rates**

**Section: 333.240**

Permits ODM, in consultation with ODA, to establish an assisted living services base payment rate for facilities participating in the Medicaid-funded component of the assisted living program.

Permits ODM and ODA to establish an assisted living memory care service payment rate for facilities participating in the Medicaid-funded component of the assisted living program. Requires that the payment rate be based on additional costs involved in serving individuals with dementia as well as other factors determined by the departments. Restricts the per diem for assisted living memory care services only to providers with a direct care staff to resident ratio that is at least 20% higher for individuals with dementia than for individuals without dementia.

**Section: 333.240**

Same as the Executive.

Same as the Executive, but additionally requires the rules establishing the rates to be effective by November 1, 2023, sets minimum amounts for the rates, and authorizes a critical access payment rate for facilities that meet specified criteria and serve at least 50% of residents who are Medicaid enrollees.

**Fiscal effect: Increases GRF ALI 651525, Medicaid Health Care Services, by \$25.6 million (\$9.2 million state share) in FY 2024 and \$38.2 million (\$13.8 million state share) in FY 2025.**

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**MIHCD1 Commission on Minority Health members**

**R.C. 3701.78**

Expands the Commission on Minority Health by one member - the ODA Director or the Director's designee.

**Fiscal effect: Negligible.**

**R.C. 3701.78**

Same as the Executive.

**Fiscal effect: Same as the Executive.**