

Executive

As Reported By House Finance

**AGECD4 Electronic visit verification - home care services**

**R.C. 121.36**

Exempts providers utilizing electronic visit verification systems from the law requiring providers under contract with the ODA, ODODD, ODJFS, and ODH to satisfy certain conditions (e.g. procedures for maintaining certain records and procedures for conducting a random check of 5% of home care visits) when adopting a system to monitor the delivery of home care services by their employees.

Eliminates the law requiring the departments above to study and submit a report addressing how self-employed providers, who are exempt under current law from the requirement to adopt a monitoring system, may be made subject to that requirement by September 27, 2005.

**Fiscal effect: If the provision leads to a reduction in provider administrative costs, this might eventually result in a decrease in reimbursements provided by these departments.**

**R.C. 121.36**

Same as the Executive.

Same as the Executive.

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

**AGECD5 Criminal records checks**

**R.C. 173.38, 173.381**

Revises the law governing criminal records checks for persons applying for, or employed in, direct-care positions with community-based long-term care services providers whose services are provided under ODA-administered programs as follows:

(1) Excludes attorneys, persons acting at the direction of attorneys, and participant-directed providers from having to complete criminal records checks under this particular law (attorneys undergo such checks as part of their admissions to the Ohio bar);

(2) Eliminates a consumer meeting certain conditions from the law's responsible party definition (current law prohibits a responsible party from employing an applicant or continuing to employ an employee if the records check demonstrates that the applicant or employee is ineligible for employment);

**R.C. 173.38, 173.381**

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

Executive

As Reported By House Finance

(3) Excludes ambulette drivers, attorneys, and persons acting at the direction of attorneys from the law's provisions requiring ODA to take certain actions based on records check results.

(3) Same as the Executive.

**Fiscal effect: None.**

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

**AGECD1 Provider certification**

**R.C. 173.391**

**R.C. 173.391**

Revises the law governing ODA's certification of providers of services under ODA-administered programs:

Same as the Executive.

(1) Authorizes ODA to send notices regarding disciplinary actions or refusals to certify providers by electronic mail;

(1) Same as the Executive.

(2) Describes a provider agreement as one that a provider may enter into, or renew, with: ODA or a PASSPORT administrative agency;

(2) Same as the Executive.

(3) Includes a direct care provider in the law permitting ODA not to hold a hearing when it denies, suspends, or revokes a provider certification because a principal owner or manager of the provider has entered a guilty plea for, been convicted of, or has been found eligible for intervention in lieu of conviction for a disqualifying offense;

(3) Same as the Executive.

(4) Revises one of the disciplinary actions that permits ODA to take against a certified provider, by specifying that the action requires submission of both of the following to ODA (rather than only one of the following as under current law): a plan of correction and evidence of compliance with requirements identified.

(4) Same as the Executive.

**Fiscal effect: Minimal.**

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

Executive

As Reported By House Finance

AGECD14 PACE site expansion proposals

No provision.

R.C. 173.502

Requires ODA to issue a request for proposals from any entity interested in becoming a PACE organization in any currently unserved Ohio county.

**Fiscal effect: Administrative costs to process proposals and an increase in PACE costs depending on how many proposals are accepted. PACE services are paid by ODM.**

AGECD13 PACE presumptive eligibility

No provision.

R.C. 173.503, 173.50

Requires ODA to seek approval to allow the Program for All-Inclusive Care for the Elderly (PACE) to receive PACE services immediately upon applying, during a presumptive eligibility period.

No provision.

States that, if the applicant is later determined to be ineligible for PACE, the PACE organization that made the presumptive eligibility determination is responsible for the costs of PACE services provided to the individual during the presumptive eligibility period.

**Fiscal effect: May result in some individuals receiving PACE services earlier than they otherwise would have. The PACE organization is responsible for services provided to those deemed ineligible.**

AGECD2 PASSPORT personal care aide and home health aide training

R.C. 173.525

Eliminates the law prohibiting ODA from requiring a PASSPORT home health aide to complete more hours of pre-service training or annual in-service training than is required by federal law.

R.C. 173.525

Same as the Executive.

Extends that prohibition to PASSPORT program personal care aides, by prohibiting ODA from requiring such an aide to complete more pre-service and annual in-service training hours than federal law requires.

Same as the Executive.

**Fiscal effect: None.**

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

Executive

As Reported By House Finance

**AGECD3 PASSPORT aide supervision**

**R.C. 173.525**

Revises the law limiting the supervision of PASSPORT home health and personal care aides to registered nurses (RNs) and licensed practical nurses (LPNs) under the direction of RNs as follows:

- (1) Removes the law's references to home health aides; and
- (2) Allows LPNs to supervise under the direction of chiropractors, dentists, optometrists, physicians, physician assistants, and podiatrists, in addition to RNs.

**Fiscal effect: None.**

**R.C. 173.525**

Same as the Executive.

- (1) Same as the Executive.
- (2) Same as the Executive.

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

**AGECD6 Nursing home administrators license fee increase**

**R.C. 4751.20, 4751.24, 4752.25**

Increases the fees paid to the Board of Executives of Long-Term Services and Supports as follows:

- (1) Nursing home administrator license application, from \$100 to \$250;
- (2) Nursing home administrator resident application, from \$50 to \$250;
- (3) Nursing home administrator initial license, from \$250 to \$800;
- (4) Nursing home administrator biennial license renewal, from \$600 to \$800;
- (5) Nursing home administrator license reinstatement, from \$300 to \$800;
- (6) Health services executive annual license renewal, from \$50 to \$100.

Establishes the fee for a temporary nursing home administrator license, available beginning on January 1, 2025, at \$350.

Changes the term "administrator in training" to "administrator resident."

**R.C. 4751.20, 4751.24, 4752.25**

Same as the Executive.

- (1) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive.
- (4) Same as the Executive.
- (5) Same as the Executive.
- (6) Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

As Reported By House Finance

**Fiscal effect: Increased fee revenue of approximately \$289,000 per year deposited into the Board of Executives of Long-Term Services and Supports Fund (Fund 5MT0).**

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

**AGECD7 Long-term care**

**Section: 209.20**

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

**Section: 209.20**

Same as the Executive.

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

Same as the Executive.

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.

Same as the Executive.

**AGECD8 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.

**Section: 209.20**

Same as the Executive.

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

Same as the Executive.

**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 adopt rules.**

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

**AGECD9 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.

**Section: 209.30**

Same as the Executive.

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

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

Executive

As Reported By House Finance

**AGECD10 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 services priority to be given to low-income, high need persons and/or persons with a cognitive impairment who are age 60 or over.

**Section: 209.30**

Earmarks \$150,000 in each fiscal year in GRF ALI 490411, Senior Community Services, to support the IConnect Program, administered by the Neighborhood Centers Association in Richland, Medina, Lorain, and Cuyahoga County.

Same as the Executive, but specifies that the remainder of ALI 490411 may be used for this purpose to account for the earmark above, and prohibits ODA from using these funds for administrative expenses.

**AGECD11 National Senior Services 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 given to Jewish Family Services to support Ohio's Holocaust survivors.

**Executive**

**As Reported By House Finance**

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**AGECD12 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.

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Executive

As Reported By House Finance

Special Programs

**MCD33 MyCare Ohio expansion**

**Section: 333.250**

Requires the ODM Director to continue, during FY 2026 and FY 2027, to expand the Integrated Care Delivery System (ICDS) (known as "MyCare Ohio"), or its successor program, to all Ohio counties.

Requires ODM to establish requirements for care management and coordination of waiver services, subject to certain requirements (such as employing area agencies on aging to be the coordinators of those services) unless requested by the waiver participant or ODM determines that the performance of the area agency on aging does not meet program requirements.

No provision.

**Fiscal effect: Federal approval would be required prior to fiscal effects occurring. Post expansion of the MyCare program, there may be cost shifting due to increased MyCare enrollment.**

**R.C. 5164.91, 5167.01, 5167.03, Section 333.250**

Same as the Executive, but also specifically authorizes the ODM Director to establish an ICDS successor program if the Director terminates the ICDS.

Same as the Executive.

With respect to the ICDS or the ICDS successor program, requires the Director to allow participants the choice to enroll in Medicare coordination only dual special needs plans offered by entities that do not participate in the ICDS or the ICDS successor program, and requires the Director to approve Medicaid provider contracts to entities not selected to participate in either program and allow those entities to enroll dual eligible individuals and program participants.

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

**MCD35 HCBS direct care worker wages**

**Section: 333.270**

Requires ODM, jointly with ODA and DODD, to collect data from providers regarding the wages paid to direct care workers under the Medicaid home and community-based waiver components administered by each agency. Requires ODM to compile and submit to the Governor an annual report on this data.

**Fiscal effect: The departments will likely incur administrative costs to collect, compile, and submit the data and report.**

**Section: 333.270**

Same as the Executive.

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



**Appropriation Language**

**MCD27 Home and community based services appropriations - state**

**Section: 333.180**

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, 659698, BOR 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.

No provision.

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.

No provision.

**MCD28 Home and community based services appropriations - federal**

**Section: 333.190**

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 659699, BOR 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.

No provision.

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.

No provision.

Executive

As Reported By House Finance

**MCD30 Cash transfers from Franchise Permit Fee Fund to the Department of Health and the Department of Aging**

**Section: 333.210**

Permits the OBM Director, upon the request of the ODM Director, to transfer cash in each fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) to the following funds:

\$5,000,000 to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used by ODH;

\$11,885,000 to the Ombudsman Support Fund (Fund 5BA0) used by ODA.

Requires DOH and ODA to each submit a report at the end of each fiscal year on spending activities to OBM.

**Section: 333.210**

Same as the Executive, but makes the following change:

Same as the Executive.

Same as the Executive, but changes the permitted transfer amount to \$9,300,000.

Same as the Executive.