



## **H.B. 296**

125th General Assembly  
(As Introduced)

**Reps. Barrett, Beatty, Miller, Kearns, Ujvagi, Allen, Key, Price, Harwood, Skindell**

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### **BILL SUMMARY**

- Provides for the creation of the Assisted Living Program pursuant to a waiver of federal Medicaid requirements.
- Specifies that the program is to permit residential care facility residents who are Medicaid recipients to receive home and community-based services, other than room and board.
- Requires the Director of Job and Family Services to seek a waiver from the United States Department of Health and Human Services for operation of the Assisted Living Program under Medicaid.
- Requires the Department of Aging to administer the program in accordance with the federal waiver.

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### **CONTENT AND OPERATION**

#### **Background**

The Medicaid program pays for health care services for low-income persons and is funded with federal, state, and some county funds.<sup>1</sup> It was established by Congress in 1965 as Title XIX of the Social Security Act. Initially, the only long-term care benefit available through Medicaid was care in an institutional setting such as a nursing home. In 1981, Congress authorized home and community-based waivers (also called 1915(c) waivers), which allow states that obtain them to cover certain home and community-based health and support

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<sup>1</sup> For Ohio, the federal share of Medicaid costs is generally just under 60%. The state pays most of the remainder of the costs.

services to Medicaid-eligible people who are not institutionalized but without the service would have to be cared for in an institutional setting. Ohio operates the PASSPORT Program under a waiver.<sup>2</sup>

**The bill**

(secs. 173.10 and 5111.95; Section 2)

The bill provides for creation of the Assisted Living Program, which is to provide home and community-based services, other than room and board, to Medicaid recipients who are residents of residential care facilities.<sup>3</sup>

The Director of Job and Family Services, in consultation with the Director of Aging, is required by the bill to apply for (and seek extensions of) a waiver from the United States Secretary of Health and Human Services to operate the program under Medicaid.<sup>4</sup> The number of individuals served under the program must be limited as provided in the waiver.

Eligibility requirements for the Assisted Living Program are to be the same as the eligibility requirements for the PASSPORT Program, except for requirements that would disqualify a recipient because of the type of facility a residential care facility is and the level of care provided in the residential care facility.

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<sup>2</sup> *The PASSPORT Program provides home and community-based services to Medicaid recipients at least age 60 who need the level of care provided by a nursing facility. The Ohio Department of Aging, through an interagency agreement with the Ohio Department of Job and Family Services, administers the program. Local PASSPORT administrative agencies make eligibility determinations for the program.*

<sup>3</sup> *A residential care facility is a home that provides accommodations for 17 or more unrelated individuals and supervision and personal care services for at least three of those individuals who are dependent on the services of others because of age or physical or mental impairment. A facility is also considered a residential care facility if it provides accommodations for at least three unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others because of age or physical or mental impairment, and limited skilled nursing care to at least one of those individuals. (Revised Code § 3721.01(A)(7)). A residential care facility may provide skilled nursing care only in limited circumstances specified in statute.*

<sup>4</sup> *The bill requires the Director of Job and Family Services to apply for the waiver because, under federal law, a state must have a single state agency that supervises and administers the Medicaid program. The Department of Job and Family Services is that agency in Ohio.*

The bill requires the Ohio Department of Job and Family Services (ODJFS) and the Ohio Department of Aging (ODA) to enter into an interagency agreement regarding services provided under the Assisted Living Program and adopt rules in accordance with the Administrative Procedure Act (Revised Code Chapter 119.) to implement the program. ODJFS and ODA are to specify the services the program will provide. ODA is to administer the Assisted Living Program in accordance with the federal waiver and agency rules. It must enter into contracts with area agencies on aging for assistance in operating the program, including making eligibility determinations, program monitoring, and performing any other functions ODA specifies.<sup>5</sup> If its director determines that ODA requires additional funds to administer the Assisted Living Program, the director must include that amount in ODA's proposed expenditures as filed with the Director of Budget and Management.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-08-03	p. 1096

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<sup>5</sup> Area agencies on aging have been established in various regions of the state pursuant to the federal Older Americans Act.