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*Bill Analysis*  
Legislative Service Commission

## **S.B. 5**

127th General Assembly  
(As Introduced)

**Sens. Carey, Cates, Coughlin, Schuring, Austria**

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### **BILL SUMMARY**

- Makes permanent a budget provision under which an individual admitted to a nursing facility while on a waiting list for the PASSPORT program can be placed in the program if it is determined that PASSPORT is appropriate and the individual would rather participate in PASSPORT than reside in the nursing facility.
- Requires the Department of Job and Family Services to apply for a federal waiver authorizing additional enrollments in PASSPORT under the newly permanent provision.
- Provides for an individual admitted to a nursing facility while on a waiting list for the Residential State Supplement program to participate in that program if it is determined that the program is appropriate for the individual and the individual would rather participate in it than continue to reside in the nursing facility.
- Requires that an individual admitted to a nursing facility who is eligible for Medicaid to be provided with information about applying for the Assisted Living Program.
- Expands eligibility for the Assisted Living Program.
- Makes an appropriation.

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### **CONTENT AND OPERATION**

#### **Background**

The main budget bill of the 126th General Assembly (Am. Sub. H.B. 66) includes a mechanism through which individuals on a waiting list for the

PASSPORT program who are admitted to a nursing facility may instead participate in PASSPORT, even if the participation causes the program to exceed enrollment limitations (Section 206.66.44). This provision expires June 30, 2007.

The bill makes this provision permanent with some changes, by making it part of the Revised Code, extends the provision to the state's Residential State Supplement (RSS) program, and expands eligibility for the Assisted Living Program.

## **PASSPORT**

### **Background**

The Pre-Admission Screening System Providing Options and Resources Today (PASSPORT) program is established under R.C. 173.40 as a waiver component of the state's Medicaid plan. PASSPORT is administered by the Department of Aging and charged with providing home and community-based services to certain eligible aged and disabled Medicaid recipients as an alternative to a nursing facility.<sup>1</sup> PASSPORT is limited to the number of enrollments permitted by the Medicaid waiver.

### **The bill**

(R.C. 173.401)

The bill provides for expansion of the number of PASSPORT recipients permitted by the waiver (see "**Waiver amendment**," below). Each month following the expansion, each area agency on aging<sup>2</sup> must determine whether individuals who reside in the area served by the agency and are on a PASSPORT waiting list have been admitted to a nursing facility. The agency must notify the Long-Term Care Consultation Program administrator of any such individual.<sup>3</sup> The administrator must then determine whether PASSPORT is appropriate for the individual and whether the individual would rather participate in PASSPORT than continue to reside in the nursing facility. If the administrator determines the individual prefers PASSPORT, the administrator must notify the Department of Aging. On notification, the Department must approve the individual's enrollment

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<sup>1</sup> A nursing facility is a facility that is licensed as a nursing home and has a Medicaid provider agreement.

<sup>2</sup> Area agencies on aging are established under federal law to provide a single planning and service area managing federal and state programs for older Americans.

<sup>3</sup> The Long-Term Care Consultation Program is established by the Department of Aging. The administrator is the Department of Aging or an area agency on aging or other entity the Department contracts with.

in PASSPORT regardless of the PASSPORT waiting list and even though the enrollment causes PASSPORT enrollment to exceed the limit that otherwise would apply.

**Waiver amendment.** The Director of the Department of Job and Family Services is required by the bill to submit a waiver amendment to the U.S. Secretary of Health and Human Services to authorize the additional PASSPORT enrollments required by the bill. The PASSPORT expansion is to begin the month after the Secretary approves the waiver.

**Reporting requirements.** Each quarter, the Department of Aging must certify to the Director of Budget and Management the estimated increase in costs of the PASSPORT program resulting from additional enrollments under the bill.

By the last day of each calendar year, the Director of Job and Family Services must submit to the General Assembly a report regarding the number of enrollees in the PASSPORT program resulting from the bill's provisions and the costs and savings incurred as a result of the enrollments.

### **Residential State Supplement program**

#### **Background**

The Residential State Supplement (RSS) program is established under R.C. 173.35 to provide supplemental income to aged, blind, or disabled individuals in the state who receive Supplemental Security Income (SSI) from the federal government and meet state RSS eligibility requirements.<sup>4</sup> State law requires supplemental payments to be used for accommodations, supervision, and personal care of individuals the Department of Aging determines are at risk of requiring the level of care provided by a nursing facility.

#### **The bill**

(R.C. 173.351)

The bill requires that each month each area agency on aging determine whether individuals who reside in the area served by the agency and are on a waiting list for RSS have been admitted to nursing facilities. The agency is required to notify the Long-Term Care Consultation Program administrator about the determination. The administrator must then determine whether RSS is appropriate for the individual and whether the individual would rather participate

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<sup>4</sup> The Supplemental Security Income (SSI) program is a federal program under which monthly payments are made to qualified disabled individuals who do not have sufficient work history to qualify for disability benefits under the Social Security program. Currently the payments are up to \$603 a month.

in RSS than continue to reside at the nursing facility. If the administrator determines the individual prefers RSS, the administrator must notify the Department of Aging. On notification by the administrator, the Department must approve the individual for RSS regardless of the RSS waiting list and even though the enrollment causes RSS enrollment to exceed the limit that otherwise would apply.

**Reporting requirements.** Each quarter, the Department of Aging must certify to the Director of Budget and Management the estimate of the increase in costs of the RSS program resulting from additional RSS enrollments under the bill.

By the last day of each calendar year, the Director of Aging must submit to the General Assembly a report regarding the number of enrollees in the RSS program resulting from the bill's provisions and the costs and savings incurred as a result of the enrollments.

### **Assisted Living Program**

#### **Background**

Am. Sub. H.B. 66 of the 126th General Assembly authorized the Director of Job and Family Services to apply for a federal waiver to provide assisted living services under Medicaid to up to 1,800 individuals.<sup>5</sup> At the time of application for the Assisted Living Program, the individual must need an intermediate level of care as determined under rules of the Department of Job and Family Services and either be a nursing home resident who is seeking to move to a residential care facility<sup>6</sup> but will remain in a nursing home if not for the Assisted Living Program

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<sup>5</sup> "Assisted living services" is defined as home and community-based services providing personal care, homemaking, chores, attendant care, companion, medication oversight, and therapeutic social and recreational programming (R.C. 5111.89).

<sup>6</sup> "Residential care facility" (formerly "rest home") is defined as a home that provides either of the following:

(1) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age, physical, or mental impairment.

(2) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age, physical, or mental impairment, and, to at least one individual, skilled nursing services as specified in the Revised Code. (R.C. 3721.01(A)(7) and 3721.011.)

or a participant in certain Medicaid waiver components who would move to a nursing facility if not for the Assisted Living Medicaid program.<sup>7</sup> The Medicaid components are PASSPORT, the CHOICES program administered by the Department of Aging, or another Medicaid component administered by the Department of Job and Family Services.

**The bill--notification of eligible individuals**

(R.C. 5111.894)

The bill provides that when an area agency on aging determines that an individual residing in the area served by the agency is eligible for Medicaid and has been admitted to a nursing facility, the agency must notify the Long-Term Care Consultation Program administrator about the determination. The administrator must then determine whether the Assisted Living Program is appropriate for the individual and whether the individual would rather participate in the Assisted Living Program than continue to reside in the nursing facility. If the administrator determines the individual prefers the Assisted Living Program, the administrator must provide the individual or the individual's representative information on how to apply to the Assisted Living Program and whether there is a waiting list for the program.

**The bill--Assisted Living eligibility expansion**

(R.C. 5111.89 and 5111.891)

The bill makes the following persons eligible to participate in the Assisted Living Program:

- (1) A resident of a residential care facility who has resided in a residential care facility for at least six months immediately before the date the individual applies for the Assisted Living Program;
- (2) An individual who is on a waiting list for RSS.

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**HISTORY**

ACTION	DATE
Introduced	02-20-07

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<sup>7</sup> R.C. 5111.891.