

Executive

1 **AGE - 15** **Ohio Community Service Council****R.C.** **121.40, 121.401 and 121.402**

Removes the Department of Aging as the Council's fiscal agent. Instead, requires the Council to enter into a written agreement with another state agency to serve as the fiscal agent. Eliminates the prohibition that the Council's fiscal agent approves any payroll or other personnel related documents, or any biennial budget, grant, expenditure, audit, or other fiscal-related document. Specifies that the agreement must specify all fiscal matters and financial transactions for which the fiscal agent will be responsible. Requires the Council to work with and consult with the fiscal agent with regard to the Council's fiscal matter and to follow all state fiscal, human resources, statutory, and administrative rule requirements. Requires the Council, when appointing an Executive Director, to do so with the advice and consent of the Governor. Adds the Director of the Governor's Office of Faith-based and Community Initiatives to the Ohio Community Service Council as a nonvoting member.

Fiscal effect: The Department may realize a minimal decrease in administrative costs.

2 **AGE - 2** **Civil Penalties Against Long-Term Care Providers****R.C.** **173.28**

Permits the Director of Aging to impose civil fines for violating prohibitions against (1) subjecting a long-term care facility resident or community long-term care services recipient to retaliation for filing a complaint or (2) denying the Long-Term Care Ombudsperson access to a long-term care facility or community-based long-term care site to investigate a complaint. Provides that the imposition of civil fines may be in lieu of the existing criminal fines for violating the prohibitions, and requires the Attorney General to collect unpaid civil fines.

Fiscal effect: There could be a decrease in local prosecutorial costs if the Department of Aging fines a long-term care provider for violations rather than seeks action through the criminal courts. As a result, local courts would lose the fine revenues associated with these cases. Instead, these fines would be deposited into the Regional Long-Term Care Ombudsman Program Fund (Fund 4C40), used by the Department. The amount deposited would depend on the number of violations. The Attorney General's Office may realize an increase in costs if the Office is required to prosecute cases to collect any unpaid fines.

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3 **AGE - 1** **Community-Based Long-Term Care Services****R.C. 173.392**

Expressly provides that a community-based long-term care agency is not required to be certified in order to receive payment from the Department of Aging if the agency has a grant agreement with the Department or the Department's designee to provide community-based long-term care services.

Expressly requires the Director of Aging to adopt rules governing grant agreements regarding the services.

Extends the Director's rulemaking authority regarding contracts and grant agreements by including those that are entered into by the Department's designee.

Fiscal effect: There could be a minimal increase in costs associated with rulemaking.

4 **AGE - 7** **Long-Term Care Consultations****R.C. 173.42**

Requires the Long-Term Care Consultation Program to be administered in a manner that includes (1) coordination and collaboration regarding funding, (2) assessments of service needs, (3) assessments of on-going eligibility for services, (4) assistance in accessing and coordinating services, (5) procedures for monitoring the provision of services, and (6) priorities for using resources efficiently and effectively.

Requires that a consultation be provided to (1) each nursing facility resident, in place of the current requirement that is based on a resident's potential eligibility for Medicaid and (2) each individual identified as being likely to benefit from a consultation and, for this purpose, grants the Department of Aging or a program administrator access to nursing facility resident assessment data.

Eliminates the requirement to provide a written summary of each consultation.

Permits the Director of Aging to fine a nursing facility for denying access to the facility or a resident as needed to perform a consultation or implement the program and requires the Director to give notice and an opportunity for a hearing before imposing any fine.

Authorizes the adoption of additional rules regarding: (1) criteria and procedures for identifying and recommending service options, (2) types of nursing facility information needed to assist a resident with relocation, and (3) standards to prevent conflicts of interest relative to referrals made by persons providing consultations.

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Fiscal effect: These provisions could increase the number of long-term care consultations performed and thus increase costs for the Department of Aging. However, if more consultations are performed then it is possible that services may be more efficiently allocated, which could ultimately save costs for the Department. The Department may realize an increase in fine revenue for denying access to the facility or to a resident as needed to perform consultations. Minimal administrative savings could occur for entities conducting the consultations due to the elimination of the requirement to provide a written summary of each consultation performed.

5 AGE - 3 Home First Process for PACE

R.C. *173.501, 173.50*

Establishes a home first process for the Program for All-Inclusive Care (PACE) under which an individual who is admitted to a nursing facility while on a waiting list for PACE is to be enrolled in the program in accordance with priorities established in rules if it is determined that PACE is appropriate for the individual and the individual would rather participate in PACE than continue residing in the nursing facility.

Fiscal effect: If individuals are enrolled into PACE and thus diverted from nursing homes, there could be savings to the state since PACE service costs are lower than nursing home service costs. The savings would depend upon the number of individuals diverted.

6 AGE - 8 Brain Injury Advisory Committee

R.C. *3304.231*

Adds the Director of Aging to the Brain Injury Advisory Committee.

Fiscal effect: None.

7 AGE - 14 Long-Term Care

Section: *209.20*

Specifies that the Department of Aging is required to provide long-term care consultations to assist individuals in planning for long-term health care needs. GRF appropriation item 490423, Long Term Care Budget - State, and FED 3C40 appropriation item 490623, Long Term Care Budget, may be used to provide preadmission screening and resident review.

Specifies that GRF appropriation items 490423, Long Term Care Budget State, and FED Fund 3C40 appropriation item 490623, Long Term Care Budget, may be used to provide long-term care consultations regardless of Medicaid eligibility.

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Specifies that GRF appropriation item 490423, Long Term Care Budget State, and FED Fund 3C40 appropriation item 490623, Long Term Care Budget, may be used to provide nonwaiver funded PASSPORT services to persons determined to be eligible to participate in the program, including those persons not yet determined to be financially eligible to participate by a county department of job and family services.

Specifies that the Department is required to administer the PASSPORT, Choices, Assisted Living, and PACE programs as delegated through an interagency agreement with the Department of Job and Family Services. Specifies that GRF appropriation item 490423, Long Term Care Budget State, be used for the state match for federal Medicaid funds supporting the previously mentioned programs. Specifies that FED Fund 3C40 appropriation item 490623, Long Term Care Budget, be used for the federal match for all program costs eligible for Medicaid reimbursement. Allows both appropriation items to be used to support the Department of Aging's administrative costs relating to the programs.

8 AGE - 16 Allocation of PACE Slots
Section: 209.20

Allows the Director of Aging, as appropriate and to the extent funding is available, to allocate funds for the Program for All-Inclusive Care (PACE) between the PACE sites in Cleveland and Cincinnati.

9 AGE - 28 Home First Program
Section: 209.20

Specifies that on a quarterly basis, on receipt of certified expenditures related to sections 173.401, 173.351, and 5111.894 of the Revised Code, the Director of Budget and Management may do the following:

- (1) Transfer cash from SSR Fund 5R20, Nursing Facility Stabilization, used by the Department of Job and Family Services, to SSR Fund 4J40, PASSPORT/Residential State Supplement, used by the Department of Aging;
- (2) Authorize additional expenditures from FED Fund 3C40, PASSPORT, when receipts credited exceed appropriated amounts;
- (3) Authorize additional expenditures from FED Fund 3G50, Interagency Reimbursement, used by the Department of Job and Family Services, when receipts credited exceed appropriated amounts.

Specifies that individuals placed in the PASSPORT, Assisted Living, Residential State Supplement, and PACE pursuant to this section must be in addition to the individuals placed on these programs during FY 2010 and FY 2011 before any transfers to GRF appropriation item 490423, Long Term Care Budget - State, are made.

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10 AGE - 11 Residential State Supplement Program Income and Payment Standards**Section: 209.30**

Specifies the amounts the Department of Aging must use to determine whether an individual is eligible for a payment under the Residential State Supplement Program and the amount each resident is to receive per month.

11 AGE - 12 Residential State Supplement Workgroup**Section: 209.30**

Creates the Residential State Supplement Workgroup and requires the Workgroup to examine solely the issue of which state agency is the most appropriate to administer the Residential State Supplement Program.

Fiscal effect: None, the members do not receive compensation for duties performed during their time on the Workgroup.

12 AGE - 17 Ohio Community Service Council**Section: 209.30**

Specifies that GRF appropriation item 490409, AmeriCorps Operations, and FED Fund 3R70 appropriation item 490617, AmeriCorps Programs, must be used in accordance with section 121.40 of the Revised Code.

13 AGE - 19 Senior Community Services**Section: 209.30**

Specifies that GRF appropriation item 490411, Senior Community Services, be used for services designated by the Department of Aging and that service priority be given to low-income, frail, and cognitively impaired persons age 60 and over. Provides that cost sharing, including sliding-fee payments, be promoted when possible.

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14 AGE - 20 Transfer of Residential State Supplement Appropriations**Section: 209.30**

Specifies that GRF appropriation item 490412, Residential State Supplement, and SSR Fund 4J40 appropriation item 490610, PASSPORT/Residential State Supplement, may be used by the Director of Aging to transfer cash, by intrastate transfer voucher, to SSR Fund 4J50, Home and Community Based Services for the Aged, used by the Department of Job and Family Services. Requires the transferred cash to be used for benefit payments to Residential State Supplement recipients.

15 AGE - 21 Alzheimer's Respite**Section: 209.30**

Specifies that GRF appropriation item 490414, Alzheimer's Respite, is to only be used to fund Alzheimer's disease services under section 173.04 of the Revised Code.

16 AGE - 22 Alzheimer's Respite - Federal Stimulus**Section: 209.30**

Specifies that GRF appropriation item 490625, Alzheimer's Respite - Federal Stimulus, must only be used to fund Alzheimer's disease services under section 173.04 of the Revised Code.

17 AGE - 23 Education and Training**Section: 209.30**

Specifies that GSF Fund 4800 appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the aging field pursuant to division (G) of section 173.02 of the Revised Code.

18 AGE - 24 Regional Long-Term Care Ombudsman Program**Section: 209.30**

Specifies that SSR Fund 4C40 appropriation item 490609, Regional Long-Term Care Ombudsman, must be used to pay the costs of operating the regional long-term care ombudsman programs designated by the Long-Term Care Ombudsman.

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19 **AGE - 25** **PASSPORT/Residential State Supplement****Section: 209.30**

Specifies that SSR Fund 4J40 appropriation item 490610, PASSPORT/Residential State Supplement, may be used to fund the Residential State Supplement Program and that the remainder be used for the PASSPORT Program.

20 **AGE - 26** **Transfer of Appropriations - Federal Independence Services and Federal Aging Grants****Section: 209.30**

Specifies that at the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between FED Fund 3M40 appropriation item 490612, Federal Independence Services, and FED Fund 3220 appropriation item 490618, Federal Aging Grants. Limits the amounts transferred to not exceeding 30% of the appropriation from which the transfer was made. Requires such transfers be reported at the next scheduled Controlling Board meeting.

21 **AGE - 27** **Transfer of Resident Protection Funds****Section: 209.30**

Specifies that the Director of Budget and Management may transfer \$600,000 cash in each fiscal year from SSR Fund 4E30, Resident Protection, used by the Department of Job and Family Services, to SSR Fund 5BA0, Ombudsman Support, used by the Department of Aging.

22 **AGE - 13** **Unified Long-Term Care Budget****Section: 209.40**

Creates the Unified Long-Term Care Budget Workgroup and requires the Workgroup to develop a unified long-term care budget.

Requires the Directors of Aging and Budget and Management to annually submit a written report describing the progress towards establishing, or if already established, the effectiveness of the unified long-term care budget.

Allows the Director of Budget and Management to seek Controlling Board approval to transfer cash from SSR Fund 5R20, Nursing Facility Stabilization, used by the Department of Job and Family Services, to SSR Fund 4J40, PASSPORT/Residential State Supplement, used by the Department of Aging. Appropriates any cash transferred to SSR Fund 4J40 appropriation item 490610, PASSPORT/Residential State Supplement.

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23 AGE - 10 Ohio's Best Rx Program

Sections: *209.50, R.C. 127.16, 173.99, 2921.13,*
Repealed: R.C. 173.71 - 173.91

Discontinues the Ohio's Best Rx Program and requires the Director of Aging to wind up the program's affairs according to the following timeline: (1) program enrollment ceases on the bill's effective date, (2) previously enrolled persons may purchase drugs until November 15, 2009, (3) program accounts are to be reconciled between November 15, 2009, and January 1, 2010, and (4) all statutes governing the program are repealed on January 1, 2010.

Abolishes SSR Fund 5AA0, Ohio's Best Rx Administration, on January 1, 2010 and transfers any cash balance to the GRF. Cancels any existing encumbrances against SSR Fund 5AA0 appropriation item 490673, Ohio's Best Rx Administration.

24 AGE - 18 Long-Term Care Ombudsman

Section: *290.30*

Specifies that GRF appropriation item 490410, Long-Term Care Ombudsman, must be used to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and 173.99 of the Revised Code.

Executive**Medicaid**

25 JFS - 9 Nursing Home Franchise Permit Fee

R.C. *3721.51, 3721.56*

Increases the franchise permit fee on nursing home beds and hospitals' long-term care beds from \$6.25 per day to \$11.00 per day.

Provides for SSR Fund 4J50, Home and Community-Based Services for the Aged, to receive 9.09% of the money generated by the nursing home/hospital franchise permit fee and for SSR Fund 5R20, Nursing Facility Stabilization, to receive 90.91%.

Fiscal effect: The executive estimates the increase in the fee will generate \$122.2 million in FY 2010 and \$162.9 million in FY 2011.
