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AGECD15 Long-Term Care Bed Fee Clarification

R.C. 173.26

Bases the annual fee (\$6 per bed) paid by long-term care facilities, and used for the costs of operating regional long-term care ombudsperson programs, on the number of beds a facility was licensed or otherwise authorized to maintain in the previous year, rather than the number of beds maintained for use by residents.

Fiscal effect: According to ODA, this codifies current practice, so this provision is revenue neutral.

AGECD21 Criminal Records Checks

R.C. 173.27, 109.57, 109.572, 173.14, 173.38-173.392, 3701.881, 5164.34, 5164.342, Sections 110.20-110.22

Makes a regional long-term care ombudsperson program the responsible party for the purposes of database reviews and criminal records checks for individuals who are under final consideration for employment with the regional program or employed by the regional program.

Revises the law governing database review and criminal records check requirements regarding community-based long-term care services available under programs ODA administers as follows:

- (1) Specifies that the requirements apply to a person applying for employment with, or referred by an employment service to, a community-based long-term care provider and, if the ODA Director rules so require, a person employed by (or referred to) such a provider when the person seeks or holds a direct-care position involving (a) in-person contact with one or more consumers or (b) access to one or more consumers' personal property or records.
- (2) Makes the requirements applicable to (a) persons under final consideration for employment in a direct-care position with an area agency on aging (AAA), PASSPORT administrative agency (PAA), or subcontractor of community-based long-term care services and (b) persons referred to an AAA, PAA, or subcontractor by an employment service for a direct-care position.
- (3) Permits the ODA Director to adopt rules making the requirements applicable to a person (a) employed in a direct-care position by an AAA, PAA, or subcontractor or (b) working in a direct-care position following referral by an employment service to an AAA, PAA, or subcontractor.

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Fiscal effect: None, assuming the individual applying for employment paid for the actual criminal records check.

AGECD26 Relocation of Law Governing ODA-Administered Home and Community-Based Service Programs**R.C. 173.51, 173.522, 173.543**

Separates current law governing the Medicaid-funded and state-funded components of the PASSPORT and Assisted Living programs by reenacting the law governing the state-funded component in a new R.C. section.

Relocates current law governing the PASSPORT, Choices, and Assisted Living programs as part of the bill's reorganization of Medicaid law that is part of the creation of the Department of Medicaid. The LSC Bill Analysis for H.B. 59 contains tables showing the relocation of these sections in greater detail. The tables may be found under the heading "MEDICAL ASSISTANCE PROGRAMS RELOCATION TABLES."

AGECD17 Transfer of Participants from Choices to PASSPORT**R.C. 173.53**

Provides that, if the Choices Program is terminated, ODA is authorized to do both of the following no sooner than six months before the program is terminated:

- (1) Suspend new enrollments in the program; and
- (2) Transfer existing program participants to either PASSPORT or the Unified Long-term Services and Support Medicaid Waiver Component (if it is created and PASSPORT is terminated).

Fiscal effect: According to ODA, the consumer direction services currently provided under the Choices program will be provided statewide as a result of the Integrated Care Delivery System (ICDS). ODA anticipates an increase of \$2 million in FY 2014 and \$4.9 million in FY 2015 for actual services and an increase of \$700,000 in FY 2014 and \$1.8 million in FY 2015 for financial management services.

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AGECD22 State-funded PASSPORT and Assisted Living Program Appeals**R.C. 173.56, 173.523, 173.545**

Requires ODA to establish new procedures for appeals of adverse decisions concerning participation in the state-funded components of PASSPORT and Assisted Living.

Fiscal effect: Potential decrease in administrative costs since the provision eliminates the requirement to hold administrative hearings regarding adverse decisions. However, ODA would still provide notice and an opportunity for hearing.

AGECD24 Nursing Home Licensure Requirements**R.C. 173.60, 3721.072**

Requires nursing homes to do all of the following:

Beginning July 1, 2013, participate in at least one quality improvement project listed by ODA every two years.

Beginning July 1, 2015, do both of the following:

- (1) Participate in advance care planning with all residents or their sponsors on admission and quarterly; and
- (2) Prohibit the use of overhead paging except for matters of urgent public safety or urgent clinical operations.

Fiscal effect: Potential increase in administrative costs if ODA monitors nursing home compliance.

AGECD25 Nursing Home Quality Initiative**R.C. 173.60**

Requires ODA to implement a nursing home quality initiative to improve person-centered care that nursing homes provide and make available a list of quality improvement projects under the initiative.

Fiscal effect: Potential increase in administrative costs.

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AGECD14 Long-Term Care Consultations Annual Report

R.C. 173.425, (repealed)

Eliminates the requirement that ODA prepare an annual report on individuals who are the subjects of long-term care consultations and elect to receive home and community-based services covered by Medicaid-components administered by ODA.

Fiscal effect: Minimal decrease in administrative expenses relating to producing the report.

AGECD18 Board of Executives of Long-Term Services and Supports

R.C. 4751.03, 149.43, 1347.08, 3701.83, 4751.01,
4751.02, 4751.04 - 4751.08, 4751.041,
4751.042, 4751.10 - 4751.14, Section 209.30
and 515.40

Renames the Board of Examiners of Nursing Home Administrators to the Board of Executives of Long-Term Services and Supports and transfers the Board from ODH to ODA.

Increases, from 9 to 11, the number of Board members and modifies the eligibility requirements for Board members.

Provides that members of the existing Board of Examiners of Nursing Home Administrators are to continue to serve on the renamed Board until their original terms expire and requires the Governor to make additional appointments to the new Board within 90 days after the bill's effective date.

Requires the Board to enter into a written agreement with ODA to serve as the Board's fiscal agent.

Requires the Board to create opportunities for education, training, and credentialing of nursing home administrators and others in leadership positions in long-term services and supports settings.

Provides guidelines for the transition of the Board, including provisions governing the transfer of duties and obligations.

Creates the Board of Long-Term Services and Supports Fund and requires nursing home administrator license and registration fees to be deposited into this fund instead of General Operations Fund.

Requires the ODH Director to certify to the OBM Director, the cash balance relating to the Board of Examiners of Nursing Home Administrators in the General Operations Fund (Fund 4700), used by ODH. Requires the OBM Director, upon receipt of this certification, to transfer cash to the Board of Executives of Long-Term Services and Supports Fund (Fund

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5MT0), used by ODA.

Requires the OBM Director to cancel existing relevant encumbrances against SSR Fund 4700 appropriation item 440647, Fee Supported Programs, and reestablish them against SSR Fund 5MT0 appropriation item 490627, Board of Executives of LTSS. Appropriates any re-established encumbrances.

Fiscal effect: Potential minimal administrative costs, however, the Board collects fees to cover program expenses.

AGECD1 Long-Term Care**Section: 209.20**

Requires ODA to provide long-term care consultations to assist individuals in planning for their long-term health care needs. Requires ODA to administer PASSPORT, Choices, Assisted Living, and PACE as delegated in an interagency agreement with ODM.

Allows GRF appropriation item 656423, Long Term Care Program Support - State, and appropriation item 490623, Long Term Care Budget - Federal, to be used for administrative costs associated with operating PASSPORT, Choices, Assisted Living, and PACE.

AGECD2 Performance-Based Reimbursement For PASSPORT**Section: 209.20**

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

Fiscal effect: Potential impact on earnings received by PAAs depending on whether or not the pay-for-performance component was established and whether or not outcomes were achieved.

Executive**AGECD3 Long-Term Care Ombudsman****Section: 209.30**

Requires GRF appropriation item 490410, Long-Term Care Ombudsman, to be used to fund ombudsman program activities.

Allows the State Ombudsman to explore the design of a payment method for the Ombudsman Program that includes a pay-for-performance incentive component that is earned by designated regional long-term care ombudsman programs.

Fiscal effect: Potential minimal administrative expenses for ODA for establishing the pay-for-performance incentive component; any such increase would be permissive. Potential impact on earnings received by PAAs depending on whether or not the pay-for-performance component was established and whether or not outcomes were achieved.

AGECD4 Senior Community Services**Section: 209.30**

Requires GRF appropriation item 490411, Senior Community Services, to be used for services designated by ODA and further requires 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.

AGECD5 Alzheimer's Respite**Section: 209.30**

Requires GRF appropriation item 490414, Alzheimer's Respite, to be used to fund only Alzheimer's disease services.

Executive**AGECD6 National Senior Service Corps****Section: 209.30**

Requires GRF appropriation item 490506, National Senior Service Corps, to be used to fund grants for three Corporation for National and Community/Senior Corps programs: (1) the Senior Companion Program; (2) the Retired Senior Volunteer Program; and (3) the Retired Senior Volunteer Program.

Requires grant recipients to use funds to support priorities established by ODA and the Ohio State Office of the Corporation for National and Community Service and requires the expenditure of funds to be in accordance with Senior Corps policies and procedures.

Specifies that neither ODA or any area agency on aging that is involved in the distribution of these funds to lower-tiered grant recipients may use funds to cover administrative costs.

AGECD7 Senior Community Outreach and Education**Section: 209.30**

Permits appropriation item 490606, Senior Community Outreach and Education, to be used to provide training to workers in the aging field.

AGECD8 Transfer of Appropriations - Federal Independence Services and Federal Aging Grants**Section: 209.30**

Specifies that at the request of the ODA Director, the OBM Director may transfer appropriation between appropriation item 490612, Federal Independence Services, and appropriation item 490618, Federal Aging Grants. Limits the amounts transferred to no more than 30% of the appropriation from which the transfer was made. Requires such transfers be reported at the next scheduled Controlling Board meeting.

Executive**AGECD9 Regional Long-Term Care Ombudsman Program****Section: 209.30**

Requires that appropriation item 490609, Regional Long-Term Care Ombudsman, be used to pay the costs of operating the regional long-term care ombudsman programs designated by the State Long-Term Care Ombudsman.

AGECD10 Transfer of Resident Protection Funds**Section: 209.30**

Allows the OBM Director to transfer \$1.25 million in each fiscal year from the Resident Protection Fund (Fund 4E30), used by the Department of Medicaid, to the Ombudsman Support Fund (Fund 5BA0), which is used by ODA.

Allows the ODA Director and the Office of the State Long-Term Care Ombudsman to use moneys in the Ombudsman Support Fund (Fund 5BA0) to implement a nursing home quality initiative.

AGECD11 Long-Term Care Consumers Guide**Section: 209.30**

Requires that appropriation item 490613, Long-Term Care Consumers Guide, be used to conduct annual consumer satisfaction surveys and to pay for other administrative expenses related to the publication of the Ohio Long-Term Care Consumer Guide.

AGECD19 Department of Aging's Appropriation Item Structure**Section: 209.40**

Permits the OBM Director, upon request from the ODA Director, to establish new funds, new appropriation items, and appropriations in order to support the transition to a new appropriation item structure in ODA's budget.

Specifies that any appropriations established by the OBM Director are appropriated.

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Permits the OBM Director, upon request from the ODA Director, to transfer appropriations between GRF appropriation items, transfer cash between any funds used by ODH, abolish existing funds used by ODA, and cancel and reestablish encumbrances.

AGECD20 Updating Authorizing Statute Citations**Section: 209.50**

Specifies that an "authorizing statute" is a Revised Code section or provision that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule. Specifies that the ODA Director is not required to amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule's authorizing statute to reflect that this act rennumbers the authorizing statute or relocates it to another Revised Code section. Requires such citations to be updated as the Director amends the rules for other purposes.

Fiscal effect: None.

Executive**DOHCD22 Direct Care Workers****R.C. 3701.95, 191.061, 5164.83**

Requires, not later than October 1, 2014, the ODH Director to establish a direct care worker certification program and authorizes the Director to adopt rules as necessary to implement the program.

Prohibits, on or after October 1, 2015, the ODM Director from making a Medicaid payment to a direct care worker for a direct care service or entering into a Medicaid provider agreement with the worker unless core competencies described in an operating protocol developed by the OHT Executive Director or the Executive Director's designee, in consultation with the ODM Director and the directors of ODA, ODODD, ODMHAS, and the Ohio Department of Health (ODH) are met.

Fiscal effect: Potential administrative costs.

DOHCD21 Nursing Facilities' Plans of Correction**R.C. 5165.69**

Revises as follows the law governing the plan of correction a nursing facility must submit to ODH when the facility receives a statement of deficiencies:

- (1) Requires a plan of correction to include additional information, including a detailed description of an ongoing monitoring and improvement process to be used at the nursing facility.
- (2) Requires the Department to consult with Department of Medicaid, Department of Aging, and the Office of the State Long-Term Care Ombudsperson program when determining whether a plan of correction or modification of an existing plan conforms to the requirements for approval if the plan concerns a finding assigned a severity level indicating that a resident was harmed or immediate jeopardy exists.

Fiscal effect: Potential minimal increase in administrative costs.

Executive**MCDCD6 System for Award Management Web Site****R.C. 173.27, 173.394, 3701.881, 5164.342**

Specifies (for the purpose of certain criminal records checks regarding employment with the State Long-Term Care Ombudsperson program, community-based long-term care agencies, home health agencies, and providers of certain Medicaid-covered home and community-based services) that the Excluded Parties List System reviewed as part of the criminal records checks is available at the federal web site known as the System for Award Management.

Fiscal effect: None.

MCDCD7 Assisted Living Program Assessments**R.C. 173.546, 173.42, 173.54, 173.541, 173.544**

Requires an applicant for the Medicaid-funded or state-funded component of the Assisted Living program to undergo an assessment to determine whether the applicant needs an intermediate level of care.

Fiscal effect: Minimal increase in administrative costs.

MCDCD42 Expansion of PACE**Section: 323.120**

Permits the ODA Director, in consultation with the ODM Director, to expand the PACE program to new regions of Ohio under certain circumstances.

Fiscal effect: Permissive.
