
Executive**DDDCD36 County Family and Children First Council Membership****R.C. 121.37**

Permits a superintendent of multiple county boards of developmental disabilities (DD) to appoint a designee to participate on a county's family and children first council.

Fiscal effect: None.

DDDCD33 Employment First Policy**R.C. 5123.022, 5123.023, 5126.01, 5126.05,
5126.051, 5126.084**

Defines terms used in the state's employment first policy for individuals with DD.

Authorizes the ODODD Director to establish an employment first task force.

Requires each county DD board to implement an employment first policy.

DDDCD34 Fees Charged to County DD Boards for Home and Community-Based Services**R.C. 5123.0412**

Specifies ODODD is to retain all of the fees that county DD boards pay for Medicaid-paid claims for home and community-based services instead of the fees being split between ODODD and ODJFS.

Fiscal effect: Gain in revenue to ODODD of about \$5.2 million in FY 2014 and \$5.7 million in FY 2015. In FY 2014 and FY 2015 total fee revenue is estimated at \$17.3 million and \$19.0 million, respectively, which, under this provision, would all go to ODODD. Under current law and practice ODODD would retain about 70% of fee revenue, which would amount to about \$12.1 million in FY 2014 and \$13.3 million in FY 2015.

Executive

DDDCD39 ODODD's Administration of Medicaid Coverage of ICF/IID Services

R.C. *5124.*

Relocates, via a reenactment process, numerous provisions of current law governing Medicaid coverage of ICF/IID services as part of the transfer of the administration of these services to ODODD. 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."

DDDCD7 Reorganization of Law Governing ICF/IID Services

R.C. *5124.01, 1337.11, 2133.01, 2317.02, 3317.02, 3701.74, 3702.62, 3721.10, 3795.01, 4723.17, 5103.01, 5103.02, 5111.211 (repealed), 5123.171, 5123.19, 5123.192, 5123.198, 5123.38, 5126.054, 5126.055, 5162.01, 5162.21, 5163.01, 5163.31, 5163.33, 5166.01, 5166.02, 5166.04, 5166.20, 5168.60, 5168.61, 5168.62, 5168.63, 5168.64, 5168.65, 5168.66, 5168.67, 5168.68, and 5168.70; Chapters 5124. and 5165.; and, Section 259.260.*

Replaces references in state law to intermediate care facilities for the mentally retarded with references to intermediate care facilities for individuals with intellectual disabilities (ICFs/IID).

Fiscal effect: None. ODODD assumed responsibility for certain duties related to ICFs/IID in FY 2013. Staff from ODJFS have already moved to ODODD to administer the responsibilities.

Executive

DDDCD12 **Cost Report for Downsized or Partially Converted ICF/IID**

R.C. ***5124.10, 5124.01, 5124.101, 5124.102,
5124.107, 5124.108, 5124.109, and 5124.522***

Permits an ICF/IID that downsizes or partially converts to providing home and community-based services to file a Medicaid cost report if the ICF/IID has, on the day it downsizes or partially converts, a Medicaid-certified capacity that is at least 10% lower than its Medicaid-certified capacity on the day before and at least five fewer ICF/IID beds than it has on the day before.

Provides for the cost report to cover the period that begins with the day that the ICF/IID downsizes or partially converts and ends on the first day of the month immediately following the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.

Provides for the cost report to be used to determine the ICF/IID's Medicaid payment rate for the period (1) beginning on the day that it downsizes or partially converts if that day is the first day of a month or, if not, beginning on the first day of the month following the month that the ICF/IID downsizes or partially converts and (2) ending on the first day of the fiscal year for which it begins to be paid a rate determined using a cost report filed in accordance with regular filing procedures.

Fiscal effect: Potential increase in ICF/IID payments based on the Medicaid cost report.

DDDCD11 **ICFs/IID's Medicaid Rates for Capital Costs**

R.C. ***5124.17, 5124.21, and 5124.28; Section
812.60***

Effective July 1, 2014, modifies Medicaid payments for ICFs/IID's capital costs by (1) halving the efficiency incentive payments to ICFs/IID with more than eight beds, (2) eliminating nonextensive renovation payments to ICFs/IID with more than eight beds, and (3) eliminating return on equity payments to all ICFs/IID.

Fiscal effect: Potential decrease in ICF/IID payments.

Executive

DDDCD10 **ICFs/IID's Efficiency Incentives for Indirect Care Costs****R.C.** **5124.21**

Reduces, beginning with FY 2015, the efficiency incentive that is part of the Medicaid payment rate for the indirect care costs of ICFs/IID with more than eight beds.

Reduces the efficiency incentive to 3.55% (from 7.1%) of the maximum rates for indirect care costs established for the peer groups of such ICFs/IID.

Fiscal effect: Potential decrease in ICF/IID payments in FY 2015.

DDDCD19 **Medicaid Rate Add-On for Outlier ICF/IID Services****R.C.** **5124.25, 5124.15, Section 259.220**

Requires ODODD, subject to ODM's approval, to pay a qualifying ICF/IID provider a Medicaid rate add-on for outlier ICF/IID services provided on or after July 1, 2014, to a resident who is a Medicaid recipient, is under 22 years of age, is dependent on a ventilator, and meets other requirements established in rules.

Fiscal effect: Potential increase to rates paid to ICFs/IID.

DDDCD9 **Medicaid Rates for Low Resource Utilization Residents****R.C.** **5124.152, 5124.01**

Provides for the ODODD Director to establish in rules a flat Medicaid payment rate for ICF/IID services provided on or after July 1, 2014, to low resource utilization residents.

Fiscal effect: Potential decrease in ICF/IID payments.

Executive

DDDCD35 Regional Council and County Board of Developmental Disabilities Annual Cost Report**R.C. 5126.131**

Requires each regional council and county DD board to file with ODODD a cost report on its expenditures and income. Requires ODODD or an entity designated by ODODD to audit each cost report, and specifies circumstances when changes to a filed cost report may be made.

Permits ODODD to withhold regional council or county DD board subsidy payments if a cost report is not filed on time with ODODD or if the report is determined by ODODD to not be auditable.

Fiscal effect: Potential increase in costs for regional councils and county DD boards to file cost reports. Potential increase in costs for ODODD to audit reports.

DDDCD13 ICF/IID Franchise Permit Fees**R.C. 5168.60**

Sets the rate for the franchise permit fee charged ICFs/IID at \$18.24 for FY 2014 and \$18.17 for FY 2015 and thereafter.

Fiscal effect: Estimated franchise fee revenue to ODODD of \$46.5 million in FY 2014 and \$45.4 million in FY 2015. Estimated franchise fee payments made for state developmental centers (DCs) of \$7.6 million in FY 2014 and \$6.9 million in FY 2015. (Assuming the rate changes from \$18.32 in FY 2013 to \$18.24 in FY 2014 and to \$18.17 in FY 2015.) For FY 2013, ODODD estimates franchise fee payments for DCs to total \$8.2 million.

DDDCD1 Lease-Rental Payments**Section: 259.20**

Requires ODODD to use GRF appropriation item 320415, Lease-Rental Payments, to meet all payments pursuant to leases and agreements made under state law regarding capital facilities. Specifies that the appropriations in that appropriation item are the source of funds pledged for bond service charges on obligations issued for certain capital facilities.

Executive**DDDCD2 Screening and Early Intervention****Section: 259.30**

Requires that GRF appropriation item 322420, Screening and Early Intervention, be used for screening and early intervention programs for children with autism selected by the ODODD Director.

DDDCD3 Family Support Services Subsidy**Section: 259.40**

Permits GRF appropriation item 322451, Family Support Services, to be used for the following purposes:

To provide a subsidy in quarterly installments to county DD boards for family support services provided under section 5126.11 of the Revised Code according to a formula developed by the ODODD Director in consultation with representatives of county DD boards.

To distribute funds to county DD boards for the purpose of addressing economic hardships and to promote efficiency of operations.

DDDCD4 State Subsidy to County DD Boards**Section: 259.50**

Except for the amounts used for the nonfederal share of ICF/IID bed, requires that GRF appropriation item 322501, County Boards Subsidies, be used for the following purposes:

To provide a subsidy to county DD boards, allocated quarterly in accordance with a formula developed by the ODODD Director in consultation with the county DD boards, for early childhood and adult services, service and support administration, and supported living;

To provide funding, as determined necessary by the ODODD Director, for residential services, including room and board, and support services that enable individuals with DD to live in the community; and

To distribute funds to county DD boards, in an amount and by criteria determined by the ODODD Director in consultation with the boards, to address economic hardships and to promote efficiency of operations.

Executive

Allows a county DD board, in consultation with the county's family and children first council, to transfer portions of funds received under this section to a flexible funding pool.

DDDCD5 County Board Share of Waiver Services**Section: 259.60**

Requires the ODODD Director to establish a methodology to be used in FY 2014 and FY 2015 to estimate the quarterly amount each county DD board is to pay of the nonfederal share of home and community-based services for which the county board is responsible. Requires the Director to provide written notice of the amount owed by each county board for each quarter.

DDDCD6 Tax Equity**Sections: 259.70, 751.20**

Specifies that GRF appropriation item 322503, Tax Equity, may be used to distribute funds to county DD boards to address economic hardships and promote efficiency of operations. Requires the ODODD Director, in consultation with county DD boards, to determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

DDDCD20 Medicaid Services**Section: 259.80**

Requires that GRF appropriation item 653407, Medicaid Services, be used for the following: (1) to fund home and community-based waiver services defined under 5123.01 of the Revised Code; (2) to implement the requirements of agreements settling consent decrees in Sermak v. Manuel and Martin v. Strickland; (3) ICF/IID services; (4) other programs as identified by the ODODD Director.

Executive

DDDCD21 Employment First Pilot Program

Sections: 259.90, 751.30

Requires that GRF appropriation item 322508, Employment First Pilot Program, be used to increase employment opportunities for individuals with DD through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Requires the ODODD Director in each fiscal year to transfer from GRF appropriation item 322508, Employment First Pilot Program, to the Opportunities for Ohioans with Disabilities Agency (OOD) an amount agreed upon by the ODODD Director and the OOD Executive Director to support the Employment First Pilot Program and requires that the transfer be made via an intrastate transfer voucher.

Requires OOD to use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services, and requires that any federal match dollars received by OOD be used for the pilot program.

Requires the ODODD Director and the OOD Executive Director to enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the pilot program, and specifies that OOD shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

Requires that the remainder of GRF appropriation item 322508, Employment First Pilot Program, be used to develop a long term, sustainable system that places individuals with DD in community employment, as defined in section 5126.01 of the Revised Code.

Fiscal effect: Potential gain in federal vocational rehabilitation (VR) dollars to OOD in each fiscal year depending upon the amount that is transferred to OOD for the pilot program. The federal government provides a match to the state of \$3.69 for every \$1 expended for VR services.

DDDCD22 Employment First Taskforce Fund

Sections: 259.100, 751.31

Requires the OBM Director to establish an appropriation item from the Employment First Taskforce Fund for use by ODODD to support the work of an employment first task force if such a task force is established by the ODODD Director in accordance with section 5123.023 of the Revised Code.

Executive

Requires, if the task force is established, the ODODD Director to certify to the OBM Director in each fiscal year the appropriation amounts necessary for ODODD to fulfill its obligation to support the work of the task force, and appropriates those amounts upon approval by the OBM Director.

DDDCD23 Transfer to Operating and Services Fund**Section: 259.110**

Requires the ODODD Director on July 1, 2013, or as soon as possible thereafter, to request the OBM Director to transfer the cash balance in the Home and Community-Based Services Fund (Fund 4K80) to the Operating and Services Fund (Fund 5GE0). Abolishes Fund 4K80 upon completion of the transfer. Requires the OBM Director to cancel any existing encumbrances against SSR Fund 4K80 appropriation item 322604, Medicaid Waiver - State Match, and reestablish them against SSR Fund 5GE0 appropriation item 653606, ICF/IID and Waiver Match.

DDDCD24 Operating and Services**Section: 259.120**

Requires that of the foregoing appropriation item SSR Fund 5GE0 appropriation item 320606, Operating and Services, \$100,000 in each fiscal year be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.

DDDCD25 Targeted Case Management**Section: 259.130**

Requires county DD boards to pay the nonfederal portion of targeted case management services to ODODD. Permits the ODODD Director and the Medicaid Director to enter into an interagency agreement, under which: (1) ODODD must transfer cash using an intrastate transfer voucher from SSR Fund 5DJ0, the Targeted Case Management Fund, used by ODODD, to GSF Fund 5DL0, the Health Care/Medicaid Support and Recoveries Fund, used by Department of Medicaid (DOM), in amounts that equal the nonfederal portion of the cost of targeted case management services paid by county DD boards.

Executive

(2) DOM must pay the total cost of targeted case management claims.

DDDCD26 Withholding of Funds Owed the Department**Section: 259.140**

Permits ODODD to withhold any amount due to a county DD board if the county DD board does not fully pay any amount owed to ODODD by the due date established by ODODD. Allows the ODODD Director to transfer cash to any other fund used by ODODD in an amount equal to the amount owed to ODODD that the county DD board did not pay. Specifies that transfers under this section must be made using an intrastate transfer voucher.

DDDCD27 Developmental Center Billing for Services**Section: 259.150**

Permits a developmental center to provide services to persons with developmental disabilities who live in the community or to providers of services to such persons and authorizes ODODD to develop a methodology for recovering all costs associated with provision of these services.

DDDCD28 Transfer of Funds for Developmental Center Pharmacy Programs**Section: 259.160**

Requires the ODODD Director to quarterly transfer cash from the Medicaid-Medicare Fund (Fund 3A40), used by ODODD, to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0), used by DOM, in an amount equal to the nonfederal share of Medicaid prescription drug claim costs paid for all developmental centers by DOM.

Executive**DDDCD29 Nonfederal Match for Active Treatment Services****Section: 259.170**

Requires that any county funds received by ODODD from county DD boards for active treatment be deposited into the Developmental Disabilities Operating Fund (Fund 4890).

DDDCD30 ODODD Innovative Pilot Projects**Section: 259.180**

Permits the ODODD Director to authorize the continuation or implementation of innovative pilot projects that are likely to assist in promoting the objectives of state law governing ODODD and county DD boards.

Requires the ODODD Director, before authorizing a pilot project, to consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, the Ohio Association of County Boards of Developmental Disabilities, and the ARC of Ohio.

Specifies that the Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

DDDCD31 Department of Developmental Disabilities' Appropriation Item Structure**Section: 259.190**

Allows the OBM Director, upon request of the ODODD Director, to establish new funds, new appropriation items, and appropriations in order to support the transition to a new appropriation item structure in ODODD's budget, and appropriates any appropriations established by the OBM Director.

Allows the OBM Director, upon request of the ODODD Director, to transfer appropriations between GRF appropriation items, transfer cash between any funds used by ODODD, abolish existing funds used by ODODD, and cancel and reestablish encumbrances.

Executive**DDDCD15 FY 2014 Medicaid Rates for ICF/IID Services****Section: 259.200**

For FY 2014, requires ODODD to determine modified rates and capped rates for existing ICFs/IID and provides for an existing ICF/IID to be paid a rate that is the average of its modified and capped rates, unless the mean of such rates for all existing ICFs/IID is other than \$282.84, in which case the ICF/IID's rate is to be adjusted by a percentage that equals the percentage by which the mean rate is greater or less than \$282.84.

Requires that portions of GRF appropriation item 653407, Medicaid Services, SSR Fund 5GE0 appropriation item 653606, ICF/IID and Waiver Match, and FED Fund 3A40 appropriation item 653653, ICF/IID, be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during FY 2014.

Fiscal effect: None. Generally continues current payment rates.

DDDCD16 FY 2015 Medicaid Rates for ICF/IID Services**Section: 259.210**

For FY 2015, requires ODODD to determine modified rates and capped rates for existing ICFs/IID and provides for an existing ICF/IID to be paid a rate that is the average of its modified and capped rates, unless the mean of such rates for all existing ICFs/IID is other than \$282.77, in which case the ICF/IID's rate is to be adjusted by a percentage that equals the percentage by which the mean rate is greater or less than \$282.77.

Requires that portions of GRF appropriation item 653407, Medicaid Services, SSR Fund 5GE0 appropriation item 653606, ICF/IID and Waiver Match, and FED Fund 3A40 appropriation item 653653, ICF/IID, be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during FY 2014.

Fiscal effect: None. Generally continues current payment rates.

Executive**DDDCD32 Transfer of Funds for Outlier Services Provided to Pediatric Ventilator-Dependent ICF/IID Residents****Section: 259.220**

Requires that in each quarter of FY 2015, the ODODD Director certify to the OBM Director the amount needed to pay the nonfederal share of the costs of the Medicaid rate add-on for outlier ICF/IID services.

Requires the OBM Director, on receipt of certification, to transfer appropriations equaling the certified amount from GRF appropriation item 651525, Medicaid/Health Care Services, used by DOM, to GRF appropriation item 653407, Medicaid Services, used by ODODD, and, requires the OBM Director to reduce the appropriation in 651525, Medicaid/Health Care Services, by the corresponding federal share.

Allows the ODODD Director to request the OBM Director to authorize expenditures from the Developmental Center and Residential Facility Services and Support Fund (Fund 3A40) if receipts credited to that fund exceed the amounts appropriated in FED Fund 3A40 appropriation item 653653, ICF/IID, and appropriates those amounts upon approval of the OBM Director.

Fiscal effect: Potential increase in payments to ICFs/IID and potential offsetting decreases in payments to hospitals, with an estimated net overall decrease in costs.

DDDCD14 Evaluation of Medicaid Payment Rate Formula for ICFs/IID**Section: 259.230**

Requires ODODD and a workgroup created to assist with a study regarding Medicaid payment rates for ICF/IID services to evaluate revisions to the formula used to determine the rates.

Fiscal effect: None.

Executive**DDDCD18 Nonfederal Share of ICF/IID Services****Section: 259.240**

Requires the ODODD Director to pay the nonfederal share of a claim for ICF/IID services using subsidies otherwise allocated to county DD boards if (1) Medicaid covers the services, (2) the services are provided to a Medicaid recipient who is eligible for the services and who does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified before June 1, 2003, (3) the services are provided by an ICF/IID whose Medicaid certification was initiated or supported by a county DD board, and (4) the provider has a valid Medicaid provider agreement for the time the services are provided.

DDDCD17 FY 2014 and FY 2015 Medicaid Rates for Certain IO Services**Section: 259.250**

Provides for an Individual Options (IO) waiver provider to continue to receive for FY 2014 and FY 2015 at least the higher Medicaid payment rate for routine homemaker/personal care services that the provider received for up to a year during FY 2012 and FY 2013.

Requires that portions of GRF appropriation item 653407, Medicaid Services, and FED Fund 3G60 appropriation item 653639, Medicaid Waiver Services, be used to pay the Medicaid payment rates determined in accordance with this section for certain homemaker/personal care services under the IO waiver.

Fiscal effect: Potential increase in IO waiver payments.

DDDCD37 Updating Authorizing Statute Citations**Section: 259.260**

Specifies that the ODODD 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 renumbers the authorizing statute or relocates it to another Revised Code section and specifies that such citations shall be updated as the Director amends the rules for other purposes.

Executive

Fiscal effect: Potential administrative savings from not needing to amend rules.

DDDCD38 Reason for the Repeal of R.C. 5111.236**Section: 259.270**

Specifies that this act repeals section 5111.236 of the Revised Code in order to carry out the intent of the Governor as indicated in the veto message regarding Am. Sub. H.B. 1 of the 128th General Assembly transmitted to the Clerk of the House of Representatives on July 17, 2009. (The actual veto removed the section from the title and enacting clause of H.B. 1 and an earmark related to the section; however, the actual veto inadvertently showed only division (C) of the section, rather than the entire section, as being vetoed.)

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.
