

Executive

As Reported by House Finance

DDDCD48 Closure of developmental centers

R.C. *5123.032*

No provision.

Establishes a developmental center closure process as follows:

No provision.

Requires the Governor to notify the General Assembly and the Ohio Department of Developmental Disabilities (ODODD) of the rationale for the proposed closure and any anticipated savings if the rationale for closure is expenditure reductions or budget cuts.

No provision.

Establishes a 13-member closure commission for each developmental center that is to be closed. Requires the commission, within 30 days after the Governor's notification, to provide its recommendation concerning the developmental center. Requires the commission to consider at least 10 specified criteria and factors before making its recommendation. Specifies that the commission may recommend closure for expenditure or budget cuts only if the anticipated savings to be obtained by closure are approximately the same as anticipated in the Governor's notice. Specifies that the recommendation must list the order of the commission's preference for closure if the Governor gave notice of the proposed closure of more than one developmental center.

No provision.

Authorizes the governor to close the developmental center on receipt of a report that recommends closure of a developmental center. Prohibits the Governor from closing a developmental center that is not listed in the

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No provision.

commission's recommendation or from closing multiple developmental centers in any order other than the order of the commission's preference as specified in the recommendation.

Specifies that if the Governor determines that it is not feasible to implement the recommendation because there has been a significant change in circumstances, the Governor may call for a new commission.

No provision.

Eliminates a current law provision that requires the Legislative Service Commission to conduct a study, within 60 days after receiving the official closure announcement from the Governor, to address specified criteria and factors relating to the developmental centers.

Fiscal effect: Minimal.

DDDCD34

Residential facility licensure

R.C. 5123.19, 5123.196, 5123.198

Repeals provisions related to the licensure of residential facilities by ODODD that (1) require the establishment of procedures for public notice of certain actions taken by the ODODD Director, (2) require the adoption of rules establishing certification procedures for licensees and management contractors, classification of types of residential facilities, and personnel training, (3) require that a survey be performed when multiple facilities owned or operated by the same person or entity are out of compliance with the law, and (4) require ODODD to establish procedures to notify interested parties regarding facilities that are closing or losing their license.

R.C. 5123.19, 5123.196, 5123.198

Same as the Executive.

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Eliminates current law that (1) requires ODODD to have rules establishing classifications for the various types of residential facilities and (2) permits a residential facility, notwithstanding the maximum number of persons who may be served in its type of facility according to the rules, to serve the same number of persons it served before the rules went into effect or it is authorized to serve under circumstances related to a certificate of need.

No provision.

Permits the Director to reduce the maximum capacity of a residential facility that has operated at less than the maximum capacity for more than 12 months.

No provision.

Prohibits a person or government entity (and related parties) whose application for a license has been denied from applying for a license within five (instead of one) year of the denial.

Same as the Executive.

Permits the Director to assign the responsibility to conduct surveys and inspections to the Ohio Department of Health (ODH), in addition to the county boards of developmental disabilities (DD).

Same as the Executive.

Authorizes the renewal of interim licenses for 180 (rather than 150) days.

Same as the Executive.

Requires a licensee to transfer records to the new licensee or management contractor when the identity of the licensee or contractor significantly changes.

Same as the Executive.

Fiscal effect: Decrease in costs related to the licensure of residential facilities; potential increase in costs to ODH to conduct inspections.

Fiscal effect: Same as the Executive.

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DDDCD50 Rights of individuals with developmental disabilities

No provision.

R.C. *5123.62*

Specifies additional rights of individuals with developmental disabilities, including the right to exercise choices, among residential or employment accommodations, choose to live in a large or small intermediate care facility for individuals with intellectual disabilities (ICF/IID), home, or other setting, and have access to and participate in social or religious activities,

Fiscal effect: None.

DDDCD32 Consent for medical treatment

R.C. *5123.86*

Authorizes a guardian (or court in the absence of a guardian) of a resident of an institution for the mentally retarded who is physically or mentally unable to receive information or who has been adjudicated incompetent to receive information on and to consent to an experimental procedure on the resident's behalf.

Eliminates provisions requiring informed consent to be given before a resident of an institution for the mentally retarded receives convulsive therapy, major aversive interventions, or unusual or hazardous treatment procedures.

R.C. *5123.86*

Same as the Executive.

Same as the Executive.

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Fiscal effect: None. According to ODODD staff, convulsive therapy, major aversive interventions, and unusual or hazardous treatment procedures are no longer used in these institutions.

Fiscal effect: Same as the Executive.

DDDCD31 Incentives to convert ICF/IID beds

R.C. 5123.376

Permits the ODODD Director to change the terms of an agreement entered into with a county board of developmental disabilities or private, nonprofit agency regarding the construction, acquisition, or renovation of a residential facility if certain conditions are met including a condition that the residential facility have converted at least 50% of its Medicaid-certified beds from providing ICF/IID services to providing home and community-based services.

Permits the Director to forgive the outstanding balance a county board or nonprofit, private agency otherwise owes under an agreement regarding the construction, acquisition, or renovation of a residential facility if certain conditions are met including a condition that the residential facility have converted all of its Medicaid-certified beds from providing ICF/IID services to providing home and community-based services.

Fiscal effect: None.

R.C. 5123.376

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

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DDDCD47 General Assembly's intent regarding adult day services

No provision.

R.C. 5123.621

Specifies that it is the General Assembly's intent for individuals currently being served through the existing array of adult day services, including those delivered in sheltered workshops, to (1) be fully informed of any new home and community-based services and their option to receive those services and (2) continue receiving services in a variety of settings if those settings offer opportunities for community integration.

Fiscal effect: None.

DDDCD29 Supported living certificates

R.C. 5123.1610, 5123.033, 5123.16, 5123.161-5123.164, 5123.166, 5123.167, 5123.169, 5123.1611

Provides that a person or government entity's supported living certificate is suspended or revoked automatically or is to be denied renewal if the person or government entity's Medicaid provider agreement to provide supported living is suspended, revoked, or denied revalidation.

R.C. 5123.1610, 5123.033, 5123.16, 5123.161-5123.164, 5123.166, 5123.167, 5123.169, 5123.1611

Same as the Executive, but (1) instead of requiring ODODD to revoke or refuse to renew the certificate, requires ODODD to revoke or refuse to renew the person or government entity's authority to provide Medicaid-funded supported living, (2) expressly provides that ODODD's action does not affect the person or government entity's authority to provide nonMedicaid-funded supported living under the certificate, and (3) removes the requirement for ODODD to take the action when ODM suspends the provider agreement.

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Increases to five years (from one year) the period during which a person or government entity is prohibited from applying for a supported living certificate following an adjudication order issued by the ODODD Director refusing to issue or renew a supported living certificate.

Same as the Executive.

Prohibits a person or government entity from applying for a supported living certificate until five years after the ODODD Director revokes or refuses to renew the person or government entity's certificate because of a Medicaid provider agreement that is revoked or refused revalidation.

Replaces the Executive provision with a provision that prohibits the person or government entity and a related party from applying for authority to provide Medicaid-funded supported living again earlier than five years after the date the authority is revoked or expires.

Fiscal effect: ODODD would experience a delay in revenue related to supported living certificate fees. Potential reduction in Medicaid costs related to supported living.

DDDCD40 Medicaid payment to an ICF/IID for day of discharge

R.C. 5124.33

Provides that the prohibition against making a Medicaid payment to an ICF/IID for the day a Medicaid recipient is discharged does not apply if the recipient is discharged because all of the beds in the ICF/IID are converted to providing home and community-based services.

R.C. 5124.33

Same as the Executive.

Fiscal effect: Potential minimal increase in Medicaid payments to ICFs.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

DDDCD41 Adjudication regarding converted ICFs/IID Medicaid provider agreement

R.C. 5124.60, 5164.38

Provides that the Medicaid Director is not required to conduct an adjudication when terminating an ICF/IID's Medicaid provider agreement as a result of the ICF/IID converting all of its beds to providing home and community-based services or when amending an ICF/IID's Medicaid provider agreement to reflect the ICF/IID's reduced Medicaid-certified capacity resulting from the ICF/IID converting some but not all of its beds.

Fiscal effect: Potential minimal decrease in administrative costs for the Ohio Department of Medicaid (ODM).

R.C. 5124.60, 5164.38

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD42 Adjudication regarding converted ICFs/IID Medicaid provider agreement

R.C. 5124.61, 5164.38

Provides, in the case of an ICF/IID that a person acquired through a request for proposals process after the previous owner's license was surrendered or revoked, that the Medicaid Director is not required to conduct an adjudication when (1) terminating the ICF/IID's Medicaid provider agreement as a result of the ICF/IID converting all of its beds to providing home and community-based services or (2) amending the ICF/IID's Medicaid provider agreement to reflect the ICF/IID's reduced Medicaid-certified capacity resulting from the ICF/IID converting some but not all of its beds.

Fiscal effect: Potential minimal decrease in administrative costs for ODM.

R.C. 5124.61, 5164.38

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

DDDCD49 Efforts to reduce the number of ICF/IID beds

No provision.

R.C. 5124.67

Requires ODODD, in its efforts to achieve at least 500 beds converted by July 1, 2018, to (1) strive to have at least 250 beds converted by June 30, 2016, and (2) strive to have at least 125 additional beds converted by June 30, 2017, for a total of at least 350 bed conversions by that date.

Fiscal effect: This provision, in combination with DDDCD15, DDDCD16, and DDDCD39, are budget neutral.

DDDCD35 Admissions to ICFs/IID with more than eight beds

R.C. 5124.68

Prohibits an ICF/IID with more than eight beds from admitting an individual as a resident unless (1) a county board of developmental disabilities receives an admission application for the individual, (2) the county board provides the individual and ODODD the county board's evaluation of the individual, and (3) ODODD determines, not later than 30 days after it receives the county board's evaluation of the individual, that the individual chooses the ICF/IID after being fully informed of all available alternatives.

No provision.

R.C. 5124.68

Same as the Executive, but provides that the ICF/IID may admit the individual if (1) the ICF/IID provides the county board written notice about the individual's potential admission and all information the ICF/IID possesses about the individual, (2) the county board provides the individual and ODODD the county board's findings about the individual, and (3) ODODD, not later than seven business days after the ICF/IID provides the county board written notice about the potential admission, determines that the individual chooses the ICF/IID after being fully informed of all available alternatives.

Permits an ICF/IID to provide a county DD board written notices about multiple individuals' potential admissions at the same time.

Executive

As Reported by House Finance

Requires the county board, not later than 60 days after receiving the admission application, to (1) evaluate the individual, (2) make recommendations regarding certain matters, and (3) provide the evaluation to the individual and ODODD.

Provides that the admission requirements do not apply under certain circumstances.

Fiscal effect: None.

Same as the Executive, but requires the county board, not later than 5 business days after receiving the notice about the potential admission, to (1) evaluate the individual, (2) counsel the individual, instead of making recommendations, about the matters, and (3) make findings about the individual based on the evaluation and counseling and provide the findings, instead of the evaluation, to the individual and ODODD.

Same as the Executive, but also provides that the admission requirements do not apply if the individual is a Medicaid recipient returning to the ICF/IID following a temporary absence during which the individual received rehabilitation services in another health care setting.

Fiscal effect: Same as the Executive.

DDDCD36 Enrolling ICF/IID residents in ODODD-administered Medicaid waiver programs

R.C. 5124.69, 5126.0510

Requires ODODD to develop and make available to all ICFs/IID a written pamphlet that describes the services that Medicaid covers under the ICF/IID benefit and the home and community-based services covered by ODODD-administered Medicaid waiver programs.

Requires ICFs/IID to provide the pamphlet to residents and their guardians, to discuss the pamphlet with them at certain times, and to refer to county boards of developmental disabilities those residents who indicate interest in enrolling in an ODODD-administered Medicaid waiver program.

R.C. 5124.69, 5126.0510

Same as the Executive, but requires ODODD to develop the pamphlet in consultation with persons and organizations interested in matters pertaining to individuals eligible for ICF/IID services and HCBS.

Same as the Executive.

Executive

As Reported by House Finance

Requires a county board, not later than 30 days after being contacted by an ICF/IID resident so referred, to enroll the resident in an ODODD-administered Medicaid waiver program if (1) the resident has been on a waiting list for the program since at least December 1, 2014, (2) the resident is eligible and chooses to enroll in the program, (3) the program has an available slot, and (4) the ODODD Director determines that ODODD has the funds necessary to pay the nonfederal share of the Medicaid expenditures for the services the resident receives under the program.

Makes ODODD responsible for the nonfederal share of the Medicaid expenditures for the home and community-based services received by such an ICF/IID resident enrolled in an ODODD-administered Medicaid waiver program.

Provides for the Medicaid-certified capacity of an ICF/IID with more than eight beds to be reduced for each resident enrolled in an ODODD-administered Medicaid waiver program.

Fiscal effect: According to ODODD, when an individual converts from an ICF/IID to a waiver, the agency generally considers it a budget neutral transaction. Responsibility for the nonfederal share for waiver services will shift from county DD boards to ODODD under these provisions. Potential minimal increase in administrative costs to develop the required pamphlet.

Same as the Executive, but removes the condition that the resident must have been on a waiting list for the program since at least December 1, 2014.

Same as the Executive.

No provision.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

DDDCD37 ICF/IID sleeping room occupancy

R.C. 5124.70

Prohibits the operator of an ICF/IID from allowing more than two residents to share a sleeping room.

Requires the operator of an ICF/IID in which more than two residents share a sleeping room to submit to ODODD a plan to come into compliance with the prohibition.

Requires that the plan include a commitment that the ICF/IID reduce its Medicaid-certified capacity by becoming a downsized ICF/IID or a partially converted ICF/IID and that implementation be completed by December 31, 2023.

Requires the plan to include the ICF/IID's projected Medicaid-certified capacity for each year of the plan.

Prohibits the plan from including the creation of a new ICF/IID that has a Medicaid-certified capacity that is greater than six.

Permits certain ICFs/IID to allow more than two residents to share a sleeping room while the ICF/IID is implementing a plan that has been approved by ODODD.

R.C. 5124.70

Same as the Executive.

Same as the Executive, but (1) requires an ICF/IID's compliance plan to include additional interim steps the ICF/IID will take to demonstrate that the ICF/IID is making regular progress toward compliance and (2) requires an ICF/IID with an approved compliance plan to submit to ODODD annual reports regarding the plan's implementation.

Same as the Executive, but requires that implementation be completed by June 30, 2025, rather than December 31, 2023.

Same as the Executive, but requires that the yearly projected capacity demonstrate that the ICF/IID will make regular progress toward compliance.

Replaces the Executive provision with a provision that permits the plan to include an ICF/IID with a Medicaid-certified capacity not greater than eight if ODODD determines that the ICF/IID would need a larger capacity to be financially viable.

Same as the Executive.

Executive

As Reported by House Finance

Prohibits an ICF/IID operator from admitting a new resident if more than two residents share a sleeping room.

Replaces the Executive provision with a provision that permits ODODD to issue a written order suspending new admissions to an ICF/IID with an approved compliance plan if the ICF/IID fails (1) to submit an annual implementation report to ODODD or (2) to meet, to ODODD's satisfaction, the projected Medicaid-certified capacity for a year and the failure is due to factors within the ICF/IID's control.

Specifies that the sleeping room occupancy limits do not apply to certain ICFs/IID that became downsized or partially converted ICFs/IID on or before January 1, 2015.

Same as the Executive, but also specifies that the limits do not apply to a sleeping room if its residents are all under age 18 and the parents or guardians of the residents consent to the sleeping arrangement.

No provision.

Requires ODODD to waive compliance for a sleeping room in which more than two residents reside on June 30, 2025, if (1) the same residents have continuously resided in the sleeping room since the effective date of this provision of the bill, and (2) ODODD determines that at least three of the residents want to continue to reside together in the sleeping room.

Fiscal effect: None.

Fiscal effect: ODODD may experience a minimal increase in administrative costs to issue written orders suspending new admissions to an ICF/IID.

Executive

As Reported by House Finance

DDDCD38 Modified calculation of Medicaid payment rates for downsized, partially converted, and new ICFs/IID**R.C. 5124.101, 5124.15**

Provides for certain modifications to be made in determining an ICF/IID's Medicaid payment rate for services provided during a certain period following the ICF/IID (1) downsizing, (2) partially converting to a provider of home and community-based services, or (3) beginning to participate in Medicaid after obtaining its beds from certain downsized ICFs/IID.

Fiscal effect: Estimated increase of \$2.8 million in FY 2016 and \$4.1 million in FY 2017.

R.C. 5124.101, 5124.15

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD39 ICFs/IID Medicaid rates for certain residents**R.C. 5124.155, 5124.15**

Provides for the Medicaid rate paid to an ICF/IID in peer group 1 or peer group 2 for ICF/IID services provided to a Medicaid recipient who is a low resource utilization resident to be the lesser of the regular rate or a flat rate specified in the bill.

Fiscal effect: Estimated savings of \$14.6 million in FY 2016 and \$6.8 million in FY 2017.

R.C. 5124.155, 5124.15

Same as the Executive, but applies the flat Medicaid rate to (1) ICFs/IID in peer group 1 (thereby excluding ICFs/IID in peer group 2) and (2) low resource utilization residents admitted on or after July 1, 2015.

Fiscal effect: This provision, in combination with DDDCD15, DDDCD16, and DDDCD49, are budget neutral.

Executive

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DDDCD43 Priority status for residents of ICFs/IID and nursing facilities on home and community-based services waiting list

R.C. 5126.042

Adds residents of ICFs/IID and nursing facilities to the list of individuals receiving priority status on the waiting list for home and community-based services provided by a county DD board.

Fiscal effect: None.

R.C. 5126.042

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD33 Service and support administrators – county DD boards

R.C. 5126.15, 5126.201

Prohibits service and support administrators for county DD boards from providing programs or services to individuals with mental retardation or developmental disabilities through self-employment.

Fiscal effect: None.

R.C. 5126.15, 5126.201

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD46 Monthly personal needs allowance for Medicaid recipients residing in ICFs/IID

R.C. 5163.33

Modifies, starting on January 1, 2016, the monthly personal needs allowance for Medicaid recipients residing in ICFs/IID to a minimum of \$50 for individuals and \$100 for married couples if both spouses are residents of an ICF/IID and their incomes are considered available to each other (the same personal needs allowance that applies to residents of nursing facilities).

R.C. 5163.33

Same as the Executive.

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Fiscal effect: ODODD has budgeted an increase in costs of \$100,000 in FY 2016 and \$200,000 in FY 2017 related to the increase in personal needs allowance for ICF residents; for DC residents, ODODD has budgeted an increase in costs of \$25,000 in FY 2016 and \$50,000 in FY 2017.

Fiscal effect: Same as the Executive.

DDDCD51 Medicaid services provided by sheltered workshops

R.C. 5166.24, Section 259.290

No provision.

Requires a Medicaid waiver component administered by ODODD that covers adult day services provided by sheltered workshops on the effective date of the provision of the bill to continue covering the services.

No provision.

Prohibits a sheltered workshop with a Medicaid provider agreement to provide adult day services under an ODODD-administered Medicaid waiver program from decreasing the number of Medicaid recipients it is willing and able to serve.

No provision.

Requires that the Medicaid payment rates for adult day services provided by sheltered workshops during fiscal years 2016 and 2017 under an ODODD-administered Medicaid waiver program be not less than the June 30, 2015, Medicaid payment rates for the services.

Fiscal effect: None.

Executive

As Reported by House Finance

DDDCD44 ICF/IID franchise permit fee rate

R.C. 5168.60

Reduces the franchise permit fee charged to ICFs/IID per bed per day from \$18.17 to \$18.07 for fiscal year 2016 and \$18.02 for fiscal year 2017 and thereafter.

Fiscal effect: Estimated franchise fee revenue to ODODD of \$44.8 million in FY 2016 and \$44.2 million in FY 2017.

Estimated franchise fee payments made for state developmental centers (DCs) of \$6.2 million in FY 2016 and \$5.5 million in FY 2017. (Assuming the rate changes from \$18.17 in FY 2015 to \$18.07 in FY 2016 and to \$18.02 in FY 2017). For FY 2015, ODODD estimates franchise fee payments for DCs to total \$6.8 million.

R.C. 5168.60

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD28 Notice of ICF/IID's franchise permit fee

R.C. 5168.63, 5168.67

Requires ODODD to notify, electronically or by United States Postal Service, ICFs/IID of (1) the amount of their franchise permit fees and (2) the date, time, and place of hearings to be held for appeals regarding the fees.

Fiscal effect: Potential increase in mailing costs.

R.C. 5168.63, 5168.67

Same as the Executive.

Fiscal effect: Same as the Executive.

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DDDCD45 Termination of ICF/IID franchise permit fee after conversion

R.C. 5168.64

Revises the law governing the termination of the franchise permit fee charged to an ICF/IID that converts all of its beds to providing home and community-based services as follows:

- (1) Requires ODODD to terminate the fee regardless of when the conversion occurs;
- (2) Stipulates that the ICF/IID's Medicaid provider agreement must have been terminated as a consequence of the conversion in order for the fee to be terminated;
- (3) Requires that the termination take effect on the first day of the quarter immediately following the quarter in which the conversion takes place rather than on the first day of the quarter immediately following the quarter in which ODODD receives notice of the conversion from the Director of Health;
- (4) Applies the termination requirement in the case of an ICF/IID that converts all of its beds after the ICF/IID is acquired by an individual through a request for proposals issued because the ICF/IID's license was previously surrendered or revoked.

Revises the law governing the redetermination of the franchise permit fee charged to an ICF/IID that converts some but not all of its beds to providing home and community-based services as follows:

R.C. 5168.64

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Same as the Executive.

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(1) Stipulates that the ICF/IID's Medicaid-certified capacity must have been reduced as a consequence of the conversion in order for the fee to be redetermined;

(2) Applies the redetermination requirement in the case of an ICF/IID that converts some but not all of its beds after the ICF/IID is acquired by an individual through a request for proposals issued because the ICF/IID's license was previously surrendered or revoked.

Fiscal effect: None.

(1) Same as the Executive.

(2) Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD1

Developmental Disabilities facilities lease-rental bond 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.

Section: 259.20

Same as the Executive.

DDDCD2

Screening and Early Intervention

Section: 259.30

Requires GRF appropriation item 322420, Screening and Early Intervention, to be used, at the discretion of ODODD, for professional and program development related to early identification/screening and intervention for children with autism and other complex developmental disabilities and their families.

Section: 259.30

Same as the Executive.

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No provision.

Requires \$500,000 in each fiscal year to be provided to the Childhood League Center to pilot and spread in Franklin County the Play and Language for Autistic Youngsters Project curriculum for autism training services and to increase capacity for developmentally delayed children in Franklin County.

DDDCD3

Family support services subsidy

Section: 259.40

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

- (1) 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; and
- (2) To distribute funds to county DD boards for the purpose of addressing economic hardships and to promote efficiency of operations.

Specifies that a county DD board is not to use more than 7% of its subsidy for administrative costs.

Section: 259.40

Same as the Executive.

- (1) Same as the Executive.

- (2) Same as the Executive.

Same as the Executive.

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DDDCD4 State Subsidy to County DD Boards

Section: 259.50

Requires that, except for the amounts used for the nonfederal share of an ICF bed, GRF appropriation item 322501, County Boards Subsidies, be used for the following purposes:

- (1) 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;
- (2) 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
- (3) 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.

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.

Section: 259.50

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

Same as the Executive.

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DDDCD5 County board share of waiver services

Section: 259.60

Requires the ODODD Director to establish a methodology to be used in FY 2016 and FY 2017 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 ODODD Director to provide written notice of the amount owed by each county board for each quarter.

Section: 259.60

Same as the Executive.

DDDCD6 Tax Equity

Section: 259.70

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.

Section: 259.70

Same as the Executive.

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DDDCD7 Medicaid Services

Section: 259.80

Requires GRF appropriation item 653407, Medicaid Services, to be used for the following: (1) to fund home and community-based services as defined under section 5124.01 of the Revised Code; (2) to implement the requirements of the agreements settling the consent decrees in Sermak vs. Manuel and Martin v. Strickland; (3) ICF/IID services; and (4) other programs identified by the ODODD Director.

No provision.

Section: 259.80

Same as the Executive.

Requires \$8 million in FY 2016 and \$12 million in FY 2017 to be distributed to county DD boards to be used to maintain current Medicaid waiver levels.

DDDCD8 Employment First Initiative

Section: 259.90

Requires that GRF appropriation item 322508, Employment First Initiative, be used to increase employment opportunities for individuals with DD through the existing Employment First Initiative.

Requires the ODODD Director in each fiscal year to transfer from GRF appropriation item 322508, 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 Initiative 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

Section: 259.90

Same as the Executive.

Same as the Executive.

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As Reported by House Finance

federal grant dollars for vocational rehabilitation services, and requires that any federal match dollars received by OOD be used for the initiative.

Requires the ODODD Director and the OOD Executive Director to enter into an interagency agreement that will specify the responsibilities of each agency under the initiative, and specifies that OOD must 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 be used to develop a long term, sustainable system that places individuals with DD in community employment.

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.

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD9 Operating and Services

Section: 259.100

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

Section: 259.100

Same as the Executive.

Executive

As Reported by House Finance

DDDCD10 Targeted case management services

Section: 259.110

Requires county DD boards to pay the nonfederal portion of targeted case management costs to ODODD.

Permits the ODODD Director and the Director of Medicaid to enter into an interagency agreement, under which: (1) ODODD must transfer cash using an intrastate transfer voucher from the Targeted Case Management Fund (Fund 5DJ0), used by ODODD, to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0), used by ODM, in amounts that equal the nonfederal portion of the cost of targeted case management services paid by county DD boards; and (2) ODM must pay the total cost of targeted case management claims.

Section: 259.110

Same as the Executive.

Same as the Executive.

DDDCD11 Withholding of funds owed ODODD

Section: 259.120

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.

Section: 259.120

Same as the Executive.

Executive

As Reported by House Finance

DDDCD12 Developmental center billing for services

Section: 259.130

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.

Section: 259.130

Same as the Executive.

DDDCD13 Nonfederal match for active treatment services

Section: 259.140

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

Section: 259.140

Same as the Executive.

DDDCD14 ODODD Innovative Pilot Projects

Section: 259.150

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, the Ohio Health Care Association/Ohio Centers for Intellectual Disabilities,

Section: 259.150

Same as the Executive.

Same as the Executive.

Executive

As Reported by House Finance

the Values and Faith Alliance, and the ARC of Ohio. Specifies that the ODODD 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.

Same as the Executive.

DDDCD15 **FY 2016 Medicaid rates for ICFs/IID in peer groups 1 and 2**

Section: 259.160

For FY 2016:

- (1) Modifies the formula to be used in determining the Medicaid payment rates for ICFs/IID in peer groups 1 and 2.
- (2) Provides for the total Medicaid rate paid to an ICF/IID in peer group 1 or 2 for services provided to a Medicaid recipient who is a low resource utilization resident to be the lesser of the rate determined with the modifications or a specified flat rate.
- (3) Requires ODODD, if the mean total per Medicaid day rate for ICFs/IID in peer groups 1 and 2, as determined in the manners discussed above, is other than \$288.99, to adjust the total per Medicaid day rate for each such ICF/IID by a percentage that equals the percentage by which the mean rate is greater or less than \$288.99.
- (4) Requires portions of appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID to be used to pay certain Medicaid

Section: 259.160

Same as the Executive.

- (1) Same as the Executive.
- (2) Same as the Executive, but applies the flat Medicaid rate to (a) ICFs/IID in peer group 1 (thereby excluding ICFs/IID in peer group 2) and (b) low resource utilization residents admitted on or after July 1, 2015.
- (3) Same as the Executive, but reduces the amount from \$288.99 to \$283.32.
- (4) Same as the Executive.

Executive

As Reported by House Finance

payment rates for ICF/IID services provided during FY 2016.

Fiscal effect: These provisions represent a two percent increase in the daily rate, which amounts to an \$11 million increase in Medicaid payments to ICFs for FY 2016.

Fiscal effect: This provision, in combination with DDDCD16, DDDCD39, and DDDCD49, are budget neutral.

DDDCD16 **FY 2017 Medicaid rates for ICFs/IID in peer groups 1 and 2**

Section: 259.170

For FY 2017:

(1) Modifies the formula to be used in determining the Medicaid payment rates for ICFs/IID in peer groups 1 and 2.

(2) Requires ODODD, if the mean total per Medicaid day rate for ICFs/IID in peer groups 1 and 2, as determined with the modifications, is other than \$289.60, to adjust the total per Medicaid day rate for each such ICF/IID by a percentage that equals the percentage by which the mean rate is greater or less than \$289.60.

(3) No provision.

(4) Requires portions of appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match,

Section: 259.170

Same as the Executive.

(1) Same as the Executive, but instead of having ODODD determine an amount to be used for fiscal year 2016 for an ICF/IID's maximum cost per case-mix unit and another amount to be so used for fiscal year 2017, requires ODODD to use the same amount for fiscal year 2017 that it determines for fiscal year 2016.

(2) Same as the Executive, but changes the amount from \$289.60 to \$288.27 (or a larger amount that ODODD, in its sole discretion, decides to use).

(3) Provides for an ICF/IID's total Medicaid rate to be increased by a direct support personnel payment, which is to be a percentage of the ICF/IID's direct care costs or, in the case of a new ICF/IID, the median of such payments.

(4) Same as the Executive.

Executive

As Reported by House Finance

and 653653, ICF/IID to be used to pay certain Medicaid payment rates for ICF/IID services provided during fiscal year 2017.

Fiscal effect: These provisions continue the FY 2016 two percent increase in the daily rate, which amounts to an \$11 million increase in Medicaid payments to ICFs for FY 2017.

Fiscal effect: This provision, in combination with DDDCD15, DDDCD39, and DDDCD49, are budget neutral.

DDDCD17 **FY 2016 Medicaid payment rate for ICFs/IID in peer group 3**

Section: 259.180

Provides for an ICF/IID in peer group 3 that obtained an initial Medicaid provider agreement during FY 2015 to continue to be paid, for services provided during FY 2016, the ICF/IID's total per Medicaid day rate in effect on June 30, 2015.

Fiscal effect: None.

Section: 259.180

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD18 **Transfer of funds for outlier services provided to pediatric ventilator-dependent ICF/IID residents**

Section: 259.190

Requires that in each quarter of FY 2016 and FY 2017, the ODODD Director certify to the Office of Budget and Management (OBM) Director the amount needed to pay the nonfederal share of the costs of the Medicaid rate add-on for outlier ICF 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 ODM, to GRF appropriation item 653407, Medicaid Services, used by ODODD, and,

Section: 259.190

Same as the Executive.

Same as the Executive.

Executive

As Reported by House Finance

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 appropriation item 653653, ICF/IID, and appropriates those amounts upon approval of the OBM Director.

Same as the Executive.

DDDCD20

ICF/IID Medicaid Rate Workgroup

Section: 259.200

Retains the previously created ICF/IID Medicaid Rate Workgroup to assist ODODD during FY 2016 and FY 2017 with its evaluation of revisions to the formula used to determine Medicaid payment rates for ICF/IID services. Requires the Workgroup, in conducting the evaluation, to (1) focus primarily on the service needs of individuals with complex challenges that ICFs/IID are able to meet; and (2) pursue the goal of reducing the Medicaid-certified capacity of individual ICFs/IID and the total number of ICF/IID beds in the state for the purpose of increasing the service choices and community integration of individuals eligible for ICF/IID services.

Section: 259.200

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

DDDCD19 Nonfederal share of ICF/IID services

Section: 259.210

Requires the ODODD Director to pay the nonfederal share of a claim for ICF 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 that used to be included in the Medicaid-certified capacity of another ICF certified before June 1, 2003, (3) the services are provided by an ICF 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.

Section: 259.210

Same as the Executive.

DDDCD21 Payment rates for homemaker/personal care services provided to qualifying Individual Options enrollees

Section: 259.220

Provides for the Medicaid payment rate for each 15 minutes of routine homemaker/personal care services provided to a qualifying enrollee of the Individual Options (IO) Waiver Program to be, for 12 months, 52 cents higher than the Medicaid payment rate in effect on the day the services are provided for each 15 minutes of such services provided to an IO enrollee who is not a qualifying enrollee. Specifies that portions of appropriation items 653407, Medicaid Services, and 653639, Medicaid Waiver Services, are to be used to pay the Medicaid payment rate determined for routine homemaker/personal care services

Section: 259.220

Same as the Executive.

Same as the Executive.

Executive

As Reported by House Finance

provided to qualifying IO enrollees.

Fiscal effect: This provision is a continuation of current policy. The fiscal impact depends on service utilization and the number of individuals who qualify for the increased rate.

Fiscal effect: Same as the Executive.

DDDCD22 Updating authorizing statute citations

Section: 259.230

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

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

Section: 259.230

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD23 Reason for the repeal of R.C. 5111.236

Section: 259.240

Specifies that the bill is repealing R.C. 5111.236 to carry out the intent of the Governor as indicated in the veto message regarding H.B. 1 of the 128th General Assembly transmitted to the Clerk of the House of Representatives on July 17, 2009.

Section: 259.240

Same as the Executive.

Executive

As Reported by House Finance

DDDCD24 System Transformation Supports

Section: 259.250

Allows the ODODD Director to use appropriation item 320607, System Transformation Supports, to purchase residential facility beds in order to reduce the number of beds certified for participation in Medicaid as ICF/IID beds and to fund other system transformation initiatives identified by the ODODD Director.

Requires the ODODD Director to establish priorities for the purchase of beds and requires that the purchase price of a bed be the price the ODODD Director determines is reasonable based on the established priorities.

Fiscal effect: Potential increase in administrative costs to establish priorities for the purchase of beds.

Section: 259.250

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD25 ICF/IID payment methodology transformation

Section: 259.260

Requires ODODD to issue a request for proposals by June 30, 2016 for an entity to develop a plan to transform the formula used to determine Medicaid payment rates for the services of ICFs/IID in a manner that includes quality incentive measures, has payments be based on health outcomes, and promotes services that are provided in the most integrated setting.

Requires the entity developing the plan to consider recommendations of the ICF/IID Medicaid Rate Workgroup and the ICF/IID Quality Incentive Workgroup.

Sections: 259.260, 812.20

Same as the Executive, but requires ODODD to issue an RFP by July 31, 2015, rather than by June 30, 2016, and also requires that the plan recommend specific changes to the resident assessment instrument and grouper methodology.

Same as the Executive.

Executive

As Reported by House Finance

Specifies that the plan be developed with the goal of beginning implementation of the transformation on July 1, 2017.

Same as the Executive.

No provision.

Exempts the provision from the Ohio Constitution's referendum so that it will take effect immediately.

Fiscal effect: Potential minimal increase in administrative costs.

Fiscal effect: Same as the Executive.

DDDCD26 ICF/IID Quality Incentive Workgroup

Section: 259.270

Requires the ODODD Director to create the ICF/IID Quality Incentive Workgroup to study the issue of establishing, as part of the Medicaid payment formula for ICF/IID services, accountability measures that act as quality incentives.

Section: 259.270

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

DDDCD27 Community support and rental assistance

Section: 259.280

Allows the ODODD Director to use appropriation item 322509, Community Support and Rental Assistance, to provide funding to county DD boards for rental assistance to individuals with developmental disabilities receiving home and community-based services under certain circumstances and to former residents of a developmental center.

Section: 259.280

Same as the Executive.

Requires the ODODD Director to establish methodology for determining the amount and distribution of the funding to county DD boards for rental assistance.

Same as the Executive.

Executive

As Reported by House Finance

Fiscal effect: Potential increase in administrative costs to establish a methodology for determining the amount and distribution of the funding to county DD boards.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance

OBMCD20 FY 2015 GRF ending balance

Section: 512.30

Requires the Director of OBM to allocate cash from the FY 2015 surplus GRF revenue that would otherwise be transferred to the Budget Stabilization Fund (Fund 7013) or the Income Tax Reduction Fund (Fund 4R80) as follows:

- (1) Reserve up to \$200,000,000 cash in the GRF to support personal income tax reductions;
- (2) Transfer up to \$375,000,000 cash to the Budget Stabilization Fund to increase the balance of that fund to an amount equal to 5% of estimated FY 2017 GRF revenue;
- (3) No provision.
- (4) Transfer up to \$120,000,000 cash to the Student Debt Reduction Fund (Fund 5QF0);
- (5) Transfer up to \$40,000,000 cash to the Unemployment Compensation Interest Contingency Fund (Fund 5HC0) for payment to the U.S. Secretary of the Treasury of accrued interest costs related to federal unemployment account borrowing;
- (6) Transfer up to \$20,000,000 cash to the Disaster Services Fund (Fund 5E20);
- (7) Transfer up to \$25,000,000 cash to the Systems Transformation Support Fund (Fund 5QM0);

Section: 512.30

Same as the Executive, but makes the following changes:

- (1) Same as the Executive, but decreases the amount reserved to up to \$176,000,000.
- (2) Same as the Executive.
- (3) Transfers up to \$100,000,000 cash to the Straight A Fund (Fund 5RB0), which the bill creates.
- (4) Same as the Executive, but decreases the amount of the transfer to up to \$15,000,000.
- (5) Same as the Executive.
- (6) Same as the Executive.
- (7) Same as the Executive, but decreases the amount of the transfer to up to \$9,000,000.

Executive

As Reported by House Finance

(8) Transfer up to \$12,000,000 cash to the Natural Resources Special Purposes Fund (Fund 5MW0), which the bill creates;

(9) Transfer up to \$10,000,000 cash to the Local Government Innovation Fund (Fund 5KN0).

(10) No provision.

(11) No provision.

(8) Same as the Executive.

(9) Same as the Executive.

(10) Transfers up to \$15,000,000 cash to the Workforce Grant Program Fund (Fund 5RA0).

(11) Transfers up to \$30,000,000 cash to the School District TPP Supplement Fund (Fund 5RE0).

Executive

As Reported by House Finance

MCDCD36 Home care services contracts

R.C. 121.36, (repealed)

Repeals a provision of current law in which the Departments of Aging, Developmental Disabilities, Job and Family Services, and Health must require a home care service provider to have a system for monitoring the delivery of services by the provider's employees for contracts paid for with public funds.

Fiscal effect: No direct fiscal impact.

R.C. 121.36

Replaces the Executive provision with a provision that restores current law and adds ODM to the list of departments required to include a monitoring system for home care services contracts.

Fiscal effect: None.

MCDCD30 Suspension of Medicaid provider agreements

R.C. 5164.36, 173.391, 5164.01, 5164.37, 5164.38, 5164.57

Makes an indictment of a provider, or provider's owner, officer, authorized agent, associate, manager, or employee, for a Medicaid-related criminal charge a reason to suspend a Medicaid provider agreement on the basis of being a source of a credible allegation of fraud rather than a separate cause for suspending a provider agreement.

Subjects hospitals, nursing facilities, intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) to the requirement to suspend a Medicaid provider agreement because of an indictment for a Medicaid-related charge.

Permits ODM to suspend a Medicaid provider agreement when an owner, officer, authorized agent, associate, manager, or employee of a provider has another provider

R.C. 5164.36, 173.391, 5164.01, 5164.37, 5164.38, 5164.57

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

As Reported by House Finance

agreement suspended due to a credible allegation of fraud.

Requires ODM, when a Medicaid provider agreement is suspended due to a credible allegation of fraud, to suspend all Medicaid payments to the provider.

Same as the Executive.

Permits a provider to submit to ODM, as part of a request to reconsider a Medicaid provider agreement suspension, information about mistaken identity instead of information about a mistake of fact.

Same as the Executive.

Permits ODM to suspend a Medicaid provider agreement before conducting an adjudication if ODM determines that a credible allegation exists that the provider has negatively affected the health, safety, or welfare of Medicaid recipients.

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

MCD38

Assistive personnel

R.C. *5166.41, 173.57-173.579, 3721.011, 5123.42-5123.451, 5166.40-5166.55*

Grants certified assistive personnel who provide services to individuals enrolled in specified Medicaid programs administered by the Ohio Department of Aging (ODA) or ODM the authority to administer prescribed medications, perform specified health-related activities, and perform tube feedings.

No provision.

Requires ODA and ODM to investigate complaints regarding the performance of those activities by assistive personnel.

No provision.

Executive

As Reported by House Finance

Requires ODA and ODM to develop courses that train the assistive personnel to engage in those activities and that train registered nurses to provide the training courses to the personnel.

No provision.

Requires ODA and ODM to certify personnel and registered nurses who successfully complete the applicable training and satisfy other requirements.

No provision.

Requires ODA and ODM to establish and maintain a registry of all personnel and registered nurses who have been certified by ODA or ODM, respectively.

No provision.

Permits ODA, ODM, the Department of Health, and the Department of Developmental Disabilities to enter into an interagency agreement to establish a unified system of training and certifying assistive personnel, MR/DD personnel, and registered nurses.

No provision.

Fiscal effect: Potential minimal increase in administrative costs.

MCD48 Medicaid rates for home health aide services

No provision.

Sections: 327.250, 327.260

Requires the Medicaid rate for home health aide services, other than those provided by an independent provider, during the period beginning July 1, 2015, and ending June 30, 2017, be at least 10% higher than the rate in effect on June 30, 2015. Applies the increase to any Medicaid-covered home health aid services.

No provision.

Earmarks \$29.0 million in each fiscal year in GRF line item 651525, Medicaid/Health Care Services, to increase the payment rate paid for home health aide services.

Executive

As Reported by House Finance
