

## Human Services

### Am. Sub. H.B. 483

**Reps.** Amstutz, R. Smith, Anielski, Burkley, Romanchuk, Sears, Sprague, Antonio, Baker, Barnes, Bishoff, Blessing, Brown, Conditt, Craig, Derickson, Dever, Dovilla, Ginter, Grossman, Hambley, Hayes, Howse, Koehler, Kuhns, LaTourette, Manning, McClain, Reineke, Rezabek, Rogers, Ryan, Scherer, Strahorn, Sweeney, Sykes, Thompson, Young, Rosenberger

**Sens.** Coley, Gardner, Beagle, Eklund, Gentile, Hackett, Hottinger, Jones, Lehner, Manning, Oelslager, Patton, Skindell, Tavares, Thomas

**Effective date:** October 12, 2016; certain provisions effective July 13, 2016, and July 1, 2017

#### **Intermediate care facilities for individuals with intellectual disabilities (ICFs/IID)**

- Requires the Department of Developmental Disabilities (ODODD) to recoup a certain amount, including interest, from an ICF/IID in peer group 1 if the facility obtained approval to downsize by July 1, 2018, and fails to do so.
- Permits an ICF/IID to voluntarily repay the amount, without interest, that would otherwise be recouped.
- Permits ODODD to exempt an ICF/IID from a recoupment in specified circumstances.
- Requires an ICF/IID that downsizes or partially converts on or before October 1 of a calendar year to file an additional Medicaid cost report.
- Establishes procedures with which ODODD must comply for changes to the following to be valid: (1) ODODD's instructions or guidelines for the ICF/IID resident assessment form and (2) the manner in which the grouper methodology is applied in determining ICF/IIDs' case-mix scores.
- Requires ODODD to make such a change prospectively and, before making it, to notify all ICFs/IID, provide an opportunity for them to share concerns and suggested revisions, and determine that a change regarding the grouper methodology is consistent with certain documentation.
- Requires ODODD to disregard, for FY 2017 Medicaid rates for ICFs/IID, the results of an exception review conducted in 2015 if the results are based on such a change and ODODD does not comply with the requirements.
- Provides, for the purpose of Medicaid payments to reserve ICF/IID beds, that a temporary absence from an ICF/IID due to participation in a therapeutic program includes a visit to a potential new residential setting.

### **Developmental centers closure report**

- Requires ODODD to prepare a report evaluating the progress of efforts since July 1, 2015, to relocate residents of the Montgomery Developmental Center and the Youngstown Developmental Center, both of which are scheduled for closure by July 1, 2017.

### **Community facility closures**

- Permits the ODODD Director to change the agreement terms with a county board of developmental disabilities or a county board of commissioners regarding closure of a community adult facility or community early childhood facility, if certain conditions are met.

### **Supported living certificates**

- Automatically denies an application to ODODD for a certificate to provide Medicaid-funded supported living if the Department of Medicaid refuses to issue the applicant a provider agreement authorizing the provision of Medicaid-funded supported living.

### **Authority to provide health-related services**

- Modifies the authority of developmental disabilities personnel (DD personnel) to perform certain health care services for individuals with developmental disabilities.
- Requires ODODD to develop courses for DD personnel that provide training in performing those health care services.
- Requires an individual to be able to read and write in English to be eligible to take the training courses established by ODODD for DD personnel and registered nurses.
- Permits ODODD to take disciplinary action for good cause against DD personnel and registered nurses who hold an ODODD-issued certificate.
- Permits ICFs/IID to use medication aides to administer medications to residents.
- Modifies the authority of a family member of an individual with developmental disabilities to authorize an unlicensed in-home care worker to perform health care tasks.

### **Part C Early Intervention Services Program**

- Transfers from the Department of Health to ODODD the responsibility for implementing the state's Part C Early Intervention Services Program.

- Designates ODODD as the "lead agency" responsible for the administration of federal funds under the Program.
- Replaces the Help Me Grow Advisory Council with the Early Intervention Services Advisory Council.

### **Property tax levies**

- Authorizes certain renewal or replacement developmental disabilities property tax levies to be for a different stated purpose than, or for a longer term than, the renewed or replaced levy.
- Authorizes developmental disabilities property tax levies to be combined into a single renewal levy.
- Expands the purposes for which certain developmental disabilities property taxes may be levied.
- Removes references to "mental retardation" in developmental disabilities property tax levy law.
- Requires reimbursement of certain developmental disabilities levy revenue foregone by the creation of a tax increment financing (TIF) incentive district.
- Authorizes more than two existing levies to be combined into a single replacement levy.

### **"ABLE" disability savings accounts**

- Authorizes a personal income tax deduction for contributions to an "Achieve a Better Living Experience" (ABLE) savings account, which is used to pay qualified disability expenses of a beneficiary.
- Authorizes residents of other states to open accounts under Ohio's ABLE account program.
- Authorizes the Treasurer of State to issue interests to ABLE account beneficiaries.
- Requires the guardian or trustee of a disabled beneficiary to furnish certain personal information when applying for an ABLE account on the beneficiary's behalf.

### **Other provisions**

- Permits a Medicaid provider to provide nursing services to up to four (rather than three) medically fragile siblings in a group visit under a Medicaid waiver.
- Removes the costs of behavioral and mental health services from nursing facilities' direct care costs for purposes of Medicaid payments.

- Requires the Director of Health to accept a certificate of need application for a new long-term care facility that is to receive its beds from a former county home or county nursing home meeting certain characteristics.
- Delays until July 1, 2017, certain laws regarding a continuum of care that boards of alcohol, drug addiction, and mental health services are required to establish.
- Permits a county board of developmental disabilities to provide insurance through an individual or joint self-insurance program.
- Designates October as "Disability History and Awareness Month."
- Modifies ODODD appropriations to reflect a change in reimbursement methodology for targeted case management.
- Appropriates for FY 2017 the unexpended, unencumbered portion of an FY 2016 earmark in the Department of Job and Family Services' budget for welfare reforms in Cuyahoga County and services to certain Supplemental Nutrition Assistance Program recipients.