

Executive

As Passed By House

DDDCD1 Technology First Task Force and technology first policy

R.C. 5123.025, 5123.026, Section 261.160

Declares that it is the policy of the state to provide individuals with developmental disabilities with access to innovative technology solutions and requires the Ohio Department of Developmental Disabilities (ODODD) to coordinate with other state agencies to implement the policy.

Requires the ODODD Director to establish, in coordination with other state agencies, the Technology First Task Force.

Earmarks up to \$1,000,000 in FY 2022 in GRF appropriation item 322509, Community Supports and Rental Assistance, to be used to increase access to innovative technology for individuals with developmental disabilities in accordance with the Technology First initiative. Reappropriates the unencumbered, unexpended balance of this earmark at the end of FY 2022 for the same purpose in FY 2023.

R.C. 5123.025, 5123.026, Section 261.160

Same as the Executive.

Same as the Executive.

Same as the Executive, but increases the earmark to \$1,500,000 in FY 2022.

DDDCD2 Developmental centers services and cost recovery

R.C. 5123.034

Permits an ODODD developmental center to provide services to (1) individuals with developmental disabilities who reside in the community in which the developmental center (DC) is located and (2) providers who provide services to these individuals.

Permits ODODD to develop a method for recovering costs associated for providing these services.

Fiscal effect: ODODD is allowed to develop a cost recovery method for any services a DC chooses to provide .

R.C. 5123.034

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

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DDDCD24 Transfer of residential facility license

No provision.

R.C. 5123.19

Makes the following provisions for residential facilities that (1) were leased by the residential facility operator between July 1, 1995, and July 1, 1996, and (2) have been operating without a lease agreement for at least four years:

No provision.

Provides that a license that specifies the location of a residential facility is not transferrable to a different location if the licensee is not the owner of the building where the residential facility is located.

No provision.

Specifies that if the licensee no longer operates the residential facility at the location specified in the license, the building owner is permitted to request ODODD to transfer the license to a different licensee or contractor that is willing to operate the facility at that location.

No provision.

Clarifies that these provisions do not require the ODODD Director to issue additional residential facility licenses.

Fiscal effect: Minimal.

DDDCD3 Ohio Developmental Disabilities Council

R.C. 5123.35

Updates citations to federal law regarding the creation and operation of the Ohio Developmental Disabilities Council.

Fiscal effect: None.

R.C. 5123.35

Same as the Executive.

Fiscal effect: Same as the Executive.

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DDDCD5 Release of records and reports by county boards of developmental disabilities

R.C. 5123.89, 5126.044

Adds an exception to the general requirement that a certificate, application, record, or report that directly or indirectly identifies a resident or former resident of an institution for persons with intellectual disabilities be kept confidential for when disclosure is needed for a guardianship proceeding.

Adds two new exceptions to the general prohibition against the release of a record or report maintained by a county developmental disabilities (DD) board or an entity under contract with a county DD board if the release is requested by: (1) a probate court pursuant to a guardianship proceeding; (2) ODODD for the purposes of a proceeding for admission to an institution for persons with intellectual disabilities or to comply with a court order regarding a person's competence.

Fiscal effect: None.

R.C. 5123.89, 5126.044

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD21 Medicaid rates for ICF/IID services

R.C. 5124.01, 5124.101, 5124.15, 5124.151, 5124.152, 5124.17, 5124.19, 5124.191, 5124.21, 5124.23, 5124.29, 5124.30, 5124.38-5124.41, 5124.45, 5124.46, 5168.60, 5168.61, Repealed: 5124.171, 5124.195, 5124.196, 5124.197, 5124.198, 5124.199, 5124.211, 5124.231, 5124.28; Section 261.150

Eliminates an obsolete formula used to determine Medicaid rates for intermediate care facilities for individuals with intellectual disabilities (ICF/IID) services.

Provides that the mean FY 2022 and FY 2023 Medicaid rates for ICFs/IID in peer group 1, peer group 2, peer group 3, peer group 4, and peer group 5 cannot exceed \$350.87.

R.C. 5124.01, 5124.101, 5124.15, 5124.151, 5124.152, 5124.17, 5124.19, 5124.191, 5124.21, 5124.23, 5124.29, 5124.30, 5124.38-5124.41, 5124.45, 5124.46, 5168.60, 5168.61, Repealed: 5124.171, 5124.195, 5124.196, 5124.197, 5124.198, 5124.199, 5124.211, 5124.231, 5124.28; Section 261.150

Same as the Executive.

Same as the Executive.

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Requires that if the indirect guarantee percentage changes during a fiscal year, the franchise permit fee rate must be adjusted so as not to exceed the indirect guarantee percentage.

Same as the Executive.

Fiscal effect: The provision holds the statewide average ICF rate at the FY 2021 level. As ICF/IID rates are done prospectively, it is difficult to determine the total impact.

Fiscal effect: Same as the Executive.

DDDCD4 County DD boards annual cost reports

R.C. 5126.05, 5126.131, 5126.12 (repealed)

R.C. 5126.05, 5126.131, 5126.12 (repealed)

Eliminates a duplicative provision of law requiring county boards of developmental disabilities to submit annual cost reports to ODODD.

Same as the Executive.

Permits, rather than requires, ODODD, or an entity designated by ODODD, to audit annual cost reports submitted by a regional council or county DD boards.

Same as the Executive.

Specifies that such an audit must be conducted utilizing methodology approved by the United States Centers for Medicare and Medicaid Services.

Same as the Executive.

Fiscal effect: Since ODODD is allowed to audit annual reports instead of required to do so, it is possible that there could be a reduction in audit costs.

Fiscal effect: Same as the Executive.

DDDCD7 Waiver allocation plan

R.C. 5126.054, 5123.046 (repealed), 5126.055, 5126.056

R.C. 5126.054, 5123.046 (repealed), 5126.055, 5126.056

Eliminates a requirement that each county DD board submit to ODODD for approval an annual plan, and instead requires each county board to annually submit to ODODD both of the following:

Same as the Executive.

(1) An annual waiver allocation projection that contains the projected number of individuals to whom the board intends to provide home and community-based services based on available funding as projected in the board's annual five-year projection

(1) Same as the Executive.

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report;

(2) Assurances that the county DD board employs or contracts with both a business manager and a Medicaid services manager, or that the county board has entered into an agreement with another county DD board that employs or contracts with both a business manager and a Medicaid services manager.

(2) Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

DDDCD6 Employment of business manager

R.C. 5126.121, (repealed)

Eliminates law that permits a county DD board to receive a subsidy from ODODD for employing a business manager.

R.C. 5126.121, (repealed)

Same as the Executive.

Fiscal effect: None. ODODD does not believe that there has ever been a subsidy for this purpose.

Fiscal effect: Same as the Executive.

DDDCD8 Special Olympics

Section: 261.20

Requires GRF appropriation item 320411, Special Olympics, be distributed to the Special Olympics of Ohio.

Section: 261.20

Same as the Executive.

DDDCD9 Developmental Disabilities Facilities Lease-Rental Bond Payments

Section: 261.30

Requires ODODD to use GRF appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, to meet all payments pursuant to leases and agreements made under state law regarding capital facilities.

Section: 261.30

Same as the Executive.

Specifies that these appropriations are the source of funds pledged for bond service charges on obligations issued for certain capital facilities.

Same as the Executive.

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DDDCD22 Part C Early Intervention

No provision.

Section: 261.35

Earmarks \$1,000,000 in each fiscal year in GRF line item 322421, Part C Early Intervention, to be used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide early intervention special instruction services and family support to children under the age of three years old with blindness or low vision.

DDDCD10 Multi-System Youth

Section: 261.40

Permits a portion of GRF appropriation item 322422, Multi-System Youth, to be used to provide a subsidy to eligible county DD boards for the provision of respite services and other services and supports for youth with complex or multi-system needs.

Specifies that the ODODD Director must establish: the total amount available for the subsidy, a formula for distributing the subsidy, and the eligibility requirements that must be satisfied to receive the subsidy.

Section: 261.40

Same as the Executive.

Same as the Executive.

DDDCD11 Employment First Initiative

Section: 261.50

Requires that GRF appropriation item 322508, Employment First Initiative, be used to increase employment opportunities for individuals with developmental disabilities 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

Section: 261.50

Same as the Executive.

Same as the Executive.

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

Same as the Executive.

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.

Same as the Executive.

Requires that the remainder of GRF appropriation item 322508 be used to develop a long term, sustainable system that places individuals with developmental disabilities in community employment.

Same as the Executive.

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.

Fiscal effect: Same as the Executive.

DDDCD12 Community Supports and Rental Assistance

Section: 261.60

Allows the ODODD Director to use GRF appropriation item 322509, Community Supports 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 individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling.

Section: 261.60

Same as the Executive.

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

Same as the Executive.

DDDCD13 Medicaid Services

Section: 261.70

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

Section: 261.70

Same as the Executive.

DDDCD14 Operating and Services

Section: 261.80

Earmarks \$100,000 in each fiscal year in DPF Fund 5GEO appropriation item 320606, Central Office Operating Expenses, be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.

Section: 261.80

Same as the Executive.

DDDCD15 Community Social Service Programs

Section: 261.90

Allows a portion of FED Fund 3250 appropriation item 322612, Community Social Service Programs, to be used by the Early Intervention Services Advisory Council for the following purposes, in addition to other necessary and allowed uses of funds:

Section: 261.90

Same as the Executive.

(1) Conduct forums and hearings;

(1) Same as the Executive.

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(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;

(2) Same as the Executive.

(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;

(3) Same as the Executive.

(4) Hire staff; and

(4) Same as the Executive.

(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.

(5) Same as the Executive.

Specifies that council members must otherwise serve without compensation or reimbursement.

Same as the Executive.

DDDCD16 County board share of waiver services

Section: 261.100

Requires the ODODD Director to establish a methodology to be used in FY 2022 and FY 2023 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.

Section: 261.100

Same as the Executive.

Requires the ODODD Director to provide written notice of the amount owed by each county DD board for each quarter and also specify when the payment is due.

Same as the Executive.

Fiscal effect: Potential administrative costs to establish the methodology.

Fiscal effect: Same as the Executive.

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DDDCD17 Withholding of funds owed ODODD

Section: 261.110

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.

Fiscal effect: Any impact will depend on how many county DD boards do not pay in full amounts owed.

Section: 261.110

Same as the Executive.

Fiscal effect: Same as the Executive.

DDDCD18 ODODD innovative pilot projects

Section: 261.120

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, the Values and Faith Alliance, and 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.

Section: 261.120

Same as the Executive.

Same as the Executive.

Same as the Executive.

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DDDCD19 Nonfederal share of ICF/IID services

Section: 261.130

Requires the ODODD Director to pay the nonfederal share of a claim for ICF services using funds 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.

Requires the ODODD Director to use certain funds from GRF appropriation item 653407, Medicaid Services, to pay any claims.

Section: 261.130

Same as the Executive.

Same as the Executive.

DDDCD20 Payment rates for homemaker/personal care services provided to qualifying enrollees

Section: 261.140

Provides that, for the first 12 months of the biennium that homemaker/personal care services are provided to a qualifying Individual Options (IO) Waiver Program enrollee, the Medicaid payment rate for each 15 minutes of services provided to the qualifying enrollee be 52 cents higher than the Medicaid payment rate for each 15 minutes of such services provided to an IO enrollee who is not a qualifying enrollee.

Specifies that portions of GRF appropriation item 653407, Medicaid Services, and FED Fund 3A40 appropriation item 653654, Medicaid Services, are to be used to pay the Medicaid payment rate determined for routine homemaker/personal care services provided to qualifying IO enrollees.

Section: 261.140

Same as the Executive.

Same as the Executive.

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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.

DDDCD23 Payment rates for waiver adult day care services

No provision.

Section: 261.170

Requires ODODD to use \$5,000,000 in each fiscal year to increase the payment rates during FY 2022 and FY 2023 for home and community-based services waiver adult day care services provided by Medicaid-funded and state-funded providers.

No provision.

Requires ODODD to establish a methodology for calculating the rate increase.

Fiscal effect: The bill appropriates a total of \$5.0 million in each fiscal year for this purpose. Of this amount, about \$1.7 million in FY 2022 and \$1.8 million in FY 2023 is appropriated in GRF line item 653407, Medicaid Services. The remaining approximate \$3.3 million in FY 2022 and \$3.2 million in FY 2023 is appropriated in FED Fund 3A40 line item 654654, Medicaid Services.

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DRCCD15 Sacramental wine brought into a state facility

No provision.

R.C. 2921.36

Exempts small amounts of sacramental wine from the offense of "illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility" when the person conveying, delivering, or attempting to convey or deliver the wine is a cleric. Under continuing law, a "specified governmental facility" is a place under the control of the departments of Mental Health and Addiction Services, Developmental Disabilities, Youth Services, or Rehabilitation and Correction.

Fiscal effect: None.