moved to amend as follows:

In line 112 of the title, after "5149.38," insert "5160.01, 5160.48,"

In line 304, after "5149.38," insert "5160.01, 5160.48,"

After line 65550, insert:

"Sec. 5160.01. As used in this chapter:

(A) "Assisted living program" has the same meaning as in section 173.51 of the Revised Code.

(B) "Dual eligible individual" has the same meaning as in the "Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid enrollee (MME).

(C) "Exchange" has the same meaning as in 45 C.F.R. 155.20.

(D) "Federal financial participation" means the federal government's share of expenditures made by an entity in implementing a medical assistance program.

(E) "Medical assistance program" means all of the following:
(1) The medicaid program;

(2) The children's health insurance program;

(3) The refugee medical assistance program;

(4) Any other program that provides medical assistance and state statutes authorize the department of medicaid to administer.

(E) "Medical assistance recipient" means a recipient of a medical assistance program. To the extent appropriate in the context, "medical assistance recipient" includes an individual applying for a medical assistance program, a former medical assistance recipient, or both.

(F) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(G) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(H) "Refugee medical assistance program" means the program that the department of medicaid administers pursuant to section 5160.50 of the Revised Code.

(I) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

Sec. 5160.48. (A)(1) The medicaid director shall adopt rules under section 5160.02 of the Revised Code implementing sections 5160.45 to 5160.481 of the Revised Code and governing the custody, use, disclosure, and preservation of the information generated or received by the department of medicaid, county departments of job and family services, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of medical assistance programs. The
Subject to division (A)(2) of this section, the rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The rules may define who is an "authorized representative" for purposes of sections 5160.45 and 5160.46 of the Revised Code. The rules shall specify conditions and procedures for the release of information, which may include both of the following:

(a) Permitting a provider of a service under a medical assistance program limited access to information that is essential for the provider to render the service or to bill for the service rendered;

(b) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or a county department.

(2) In the case of a medical assistance recipient who is a resident of a nursing facility or residential care facility, and the facility participates in the assisted living program, a county department of job and family services shall automatically designate the nursing facility or residential care facility as the recipient's primary authorized representative at the time of the application for medical assistance. Both of the following apply to a facility that is automatically designated as an authorized representative pursuant to this division:

(a) The facility shall be considered an authorized representative for purposes of sections 5160.45 and 5160.46 of the Revised Code and shall be subject to all rules regarding authorized representatives that are adopted under division (A)(1) of this section;

(b) The facility may resign as an authorized representative.
A medical assistance recipient may designate additional authorized representatives in the manner provided for in rules.

(B) The department of aging, when investigating a complaint under section 173.20 of the Revised Code, shall be granted any limited access permitted in the rules authorized by division (A)(1)(a) of this section.

A contractor, grantee, or entity given access to information pursuant to the rules authorized by division (A)(2)(1)(b) of this section is bound by the director's rules. Disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a violation of section 5160.45 of the Revised Code."

In line 82894, after "5149.38," insert "5160.01, 5160.48,"

The motion was __________ agreed to.

SYNOPSIS

Automatic designation of authorized representatives

R.C. 5160.48 (primary) and 5160.01

Restores a House-added provision that specifies that when an individual who resides in a nursing facility or residential care facility that participates in the Assisted Living Program applies for medical assistance (such as Medicaid) the facility will be automatically designated as the individual's primary authorized representative for purposes of existing law that authorizes the Department of Medicaid and a county department of job and family services to disclose information regarding the application.