

Am. Sub. H.B. 166
As Passed by the Senate
MCD CD39

_____ moved to amend as follows:

In line 112 of the title, after "5149.38," insert "5160.01, 1
5160.48," 2

In line 304, after "5149.38," insert "5160.01, 5160.48," 3

After line 65550, insert: 4

"**Sec. 5160.01.** As used in this chapter: 5

(A) "Assisted living program" has the same meaning as in 6
section 173.51 of the Revised Code. 7

(B) "Dual eligible individual" has the same meaning as in the 8
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 9
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 10
enrollee (MME). 11

~~(B)~~(C) "Exchange" has the same meaning as in 45 C.F.R. 12
155.20. 13

~~(C)~~(D) "Federal financial participation" means the federal 14
government's share of expenditures made by an entity in 15
implementing a medical assistance program. 16

~~(D)~~(E) "Medical assistance program" means all of the 17
following: 18

(1) The medicaid program; 19

(2) The children's health insurance program; 20

(3) The refugee medical assistance program; 21

(4) Any other program that provides medical assistance and 22
state statutes authorize the department of medicaid to administer. 23

~~(E)~~(F) "Medical assistance recipient" means a recipient of a 24
medical assistance program. To the extent appropriate in the 25
context, "medical assistance recipient" includes an individual 26
applying for a medical assistance program, a former medical 27
assistance recipient, or both. 28

~~(F)~~(G) "Medicaid managed care organization" has the same 29
meaning as in section 5167.01 of the Revised Code. 30

(H) "Nursing facility" has the same meaning as in section 31
5165.01 of the Revised Code. 32

~~(G)~~(I) "Refugee medical assistance program" means the program 33
that the department of medicaid administers pursuant to section 34
5160.50 of the Revised Code. 35

(J) "Residential care facility" has the same meaning as in 36
section 3721.01 of the Revised Code. 37

Sec. 5160.48. (A)(1) The medicaid director shall adopt rules 38
under section 5160.02 of the Revised Code implementing sections 39
5160.45 to 5160.481 of the Revised Code and governing the custody, 40
use, disclosure, and preservation of the information generated or 41
received by the department of medicaid, county departments of job 42
and family services, other state and county entities, contractors, 43
grantees, private entities, or officials participating in the 44
administration of medical assistance programs. ~~The~~ 45

Subject to division (A)(2) of this section, the rules shall 46
be adopted in accordance with Chapter 119. of the Revised Code. 47
The rules may define who is an "authorized representative" for 48
purposes of sections 5160.45 and 5160.46 of the Revised Code. The 49
rules shall specify conditions and procedures for the release of 50
information, which may include both of the following: 51

~~(1)~~(a) Permitting a provider of a service under a medical 52
assistance program limited access to information that is essential 53
for the provider to render the service or to bill for the service 54
rendered; 55

~~(2)~~(b) Permitting a contractor, grantee, or other state or 56
county entity limited access to information that is essential for 57
the contractor, grantee, or entity to perform administrative or 58
other duties on behalf of the department or a county department. 59

(2) In the case of a medical assistance recipient who is a 60
resident of a nursing facility or residential care facility, and 61
the facility participates in the assisted living program, a county 62
department of job and family services shall automatically 63
designate the nursing facility or residential care facility as the 64
recipient's primary authorized representative at the time of the 65
application for medical assistance. Both of the following apply to 66
a facility that is automatically designated as an authorized 67
representative pursuant to this division: 68

(a) The facility shall be considered an authorized 69
representative for purposes of sections 5160.45 and 5160.46 of the 70
Revised Code and shall be subject to all rules regarding 71
authorized representatives that are adopted under division (A)(1) 72
of this section; 73

(b) The facility may resign as an authorized representative. 74

A medical assistance recipient may designate additional 75
authorized representatives in the manner provided for in rules. 76

(B) The department of aging, when investigating a complaint 77
 under section 173.20 of the Revised Code, shall be granted any 78
 limited access permitted in the rules authorized by division 79
 (A)(1)(a) of this section. 80

A contractor, grantee, or entity given access to information 81
 pursuant to the rules authorized by division (A)~~(2)~~(1)(b) of this 82
 section is bound by the director's rules. Disclosure of the 83
 information by the contractor, grantee, or entity in a manner not 84
 authorized by the rules is a violation of section 5160.45 of the 85
 Revised Code." 86

In line 82894, after "5149.38," insert "5160.01, 5160.48," 87

The motion was _____ agreed to.

SYNOPSIS

Automatic designation of authorized representatives 88

R.C. 5160.48 (primary) and 5160.01 89

Restores a House-added provision that specifies that when an 90
 individual who resides in a nursing facility or residential care 91
 facility that participates in the Assisted Living Program applies 92
 for medical assistance (such as Medicaid) the facility will be 93
 automatically designated as the individual's primary authorized 94
 representative for purposes of existing law that authorizes the 95
 Department of Medicaid and a county department of job and family 96
 services to disclose information regarding the application. 97