A BILL

To waive certain Medicaid requirements during the COVID-19 emergency declaration and to declare an emergency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. (A) As used in this section:

(1) "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

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

(3) "Medicaid services" and "provider agreement" have the same meanings as in section 5164.01 of the Revised Code.

(4) "Provider" means a Medicaid provider as defined in section 5164.01 of the Revised Code and any other person or government entity that furnishes services to a Medicaid recipient.

(B)(1) The Medicaid Director shall submit a request to the United States Secretary of Health and Human Services for a waiver under the "Social Security Act," section 1135, 42 U.S.C.
As Introduced

H. B. No. 583

1320b–5, as necessary to do all of the following with respect to the Medicaid program during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, due to COVID-19:

(a) Expand financial eligibility to three hundred per cent of the federal poverty line for children and two hundred per cent of the federal poverty line for adults;

(b) Suspend any required actions a provider must take with respect to the Medicaid program or with respect to a license or provider agreement;

(c) Suspend any facility requirements relating to infection screening and testing, such as occupancy limits or staffing ratios;

(d) Permit health care providers licensed in other states to provide medical services to Medicaid recipients in this state without additional license requirements;

(e) Suspend any prior authorization requirements for Medicaid services, including those established by Medicaid managed care organizations;

(f) Suspend the preadmission screening and annual resident review as required under sections 5123.021 and 5165.03 of the Revised Code;

(g) Not implement the requirements of section 5166.37 of the Revised Code and not implement the Medicaid waiver component granted by the Centers for Medicare and Medicaid Services on March 15, 2019, and entitled "Ohio Group VIII Work Requirement and Community Engagement Section 1115 Demonstration";

(h) Suspend any requirements that a Medicaid recipient
take action to maintain continued eligibility for the Medicaid program and invoke all available exceptions to timeliness standards for renewing Medicaid eligibility;

(i) Implement presumptive eligibility to the maximum extent authorized under federal law, including by:

(i) Expanding presumptive eligibility to cover additional optional eligibility groups, including justice-involved individuals;

(ii) Suspending any existing restrictions on presumptive eligibility that are optional or permissive under federal law, including the restriction that an individual is ineligible for a subsequent presumptive coverage period for twelve months beginning on the date of a presumptive coverage determination.

(j) Suspend any copayment requirements established under section 5162.20 of the Revised Code;

(k) Authorize payment for Medicaid services provided by a home health agency at the time the services are ordered by a physician, rather than when the services are provided.

(2) To the extent that any of the actions described in division (B)(1) of this section conflict with any provision of the Revised Code, such provision of the Revised Code is suspended during the period of the emergency described in that division.

Section 2. Section 5162.70 of the Revised Code is suspended during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, due to COVID-19.

Section 3. This act is an emergency measure necessary for
the immediate preservation of the public peace, health, and safety. The reason for such necessity is to provide patients access to Medicaid services under the Medicaid program with minimal disruption during the COVID-19 outbreak. Therefore, this act shall go into immediate effect.