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Interested Party Testimony on Senate Bill 218
Senate Health, Human Services, and Medicaid Committee
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Chair Burke, Vice Chair Beagle, Ranking Member Tavares, and members of the Ohio Senate Health, Human Services, and Medicaid Committee, thank you for allowing Disability Rights Ohio (“DRO”) the opportunity to provide written interested party testimony regarding Senate Bill 218 (“SB 218”). DRO is the designated protection and advocacy system with the mission to advocate for the human, civil, and legal rights of people with disabilities in Ohio. As such, much of our work includes ensuring people with disabilities receive appropriate home and community-based services to live and work independently in their communities. Without home care providers, this would not be possible.

As you know, SB 218 requires independent providers (“IPs”) to purchase a surety bond of ten thousand dollars. This provision is problematic and has the potential to have a chilling effect on those who become IPs. Individuals with disabilities already face significant barriers to find quality IPs to provide care. Requiring the purchase of surety bonds, even at the cost of a few hundred dollars, will likely result in further stress on an already delicate system.

Currently, there are 37,000¹ individuals enrolled for developmental disabilities waivers² and only 13,000 IPs in Ohio. There is already a shortage of qualified individuals to provide care to people with disabilities in Ohio. Because of this, individuals and families struggle to find IPs they like who are able to provide the necessary care. Requiring these IPs to purchase a surety bond could cause IPs to leave the system and further reduce the already limited system capacity.

Through these waivers individuals with disabilities are provided home and community-based services which allow them to live and work in their communities. The kind of independence individuals are able to achieve would not be possible without being provided quality care. Many individuals who receive home and community-based services prefer IPs. This is due to the intimate and acute care needs of certain individuals. IPs allow for more flexibility in the level of care and provide individuals and families the ability to train their IPs to provide the specific care needed for the individual receiving services.

¹ This enrollment was provided by the “Enacted Budget” Legislative Service Commission Green Book for the Department of Developmental Disabilities.

² This includes: Individual Options, Level One, and SELF waivers.

Additionally, many of these IPs are family members who may have left a previous job to provide fulltime care to a loved one. In many cases these family members also provide care to non-family members. Though the legislation has been amended to exclude family members from purchasing a surety bond, those individuals would not be excluded if they provide care to non-family members.

This surety bond requirement comes on top of other recent, and potentially burdensome, requirements for providers. The Ohio Department of Medicaid has established a new electronic visit verification system ("EVV"), as required by the 21st Century Cures Act⁴, to verify "when provider visits occur and documents the precise time services begin and end. It ensures that individuals receive their medically necessary services." This system has been problematic and detrimental to the lives of individuals, families, and providers. And by establishing more requirements for IPs, the already stressed workforce capacity could continue to be reduced.

If system capacity continues to be reduced, there would also be a reduction in home and community-based care for individuals with disabilities putting them at risk of being placed in an institution or nursing-home. To ensure individuals with disabilities continue to receive their necessary care in home and community-based settings, the committee should consider removing IPs from those required to purchase surety bonds.

Thank you for your time and consideration in allowing DRO the opportunity to provide written interested party testimony regarding SB 218 and how this legislation would impact the lives of people with disabilities living and working in their communities. If you have any questions or wish to discuss the issue further please reach out to me or Jordan Ballinger (Policy Analyst, at (614) 466-7264 x 135 or jballinger@disabilityrightsohio.org).

⁴ 42 U.S.C. § 1396b (l)