

Sub. H.B. 33
As Passed by the Senate
OBM MCD088

_____ moved to amend as follows:

In line 194 of the title, after "5168.26," insert "5168.54," 1

In line 903 after "5168.26," insert "5168.54," 2

After line 108152, insert: 3

"**Sec. 5168.54.** (A) There is hereby created in the state 4
treasury the nursing home franchise permit fee fund. All payments 5
and penalties paid by nursing homes and hospitals under sections 6
5168.47, 5168.48, and 5168.51 of the Revised Code shall be 7
deposited into the fund. The fund shall also consist of money 8
deposited into it pursuant to sections 3769.08 and 3769.26 of the 9
Revised Code. Subject to division (B) of section 3769.08 of the 10
Revised Code, the department of medicaid shall use the money in 11
the fund to make medicaid payments to providers of nursing 12
facility services and providers of home and community-based 13
services, and to fund expanding the state ombudsman long-term care 14
program and resident and family surveys at the department of 15
aging, the addition of surveyors at the department of health, and 16
to fund quality and consumer information resources. Money in the 17
fund may also be used for the residential state supplement program 18
established under section 5119.41 of the Revised Code. 19

(B) Any money remaining in the nursing home franchise permit fee fund after payments specified in division (A) of this section are made shall be retained in the fund. Any interest or other investment proceeds earned on money in the fund shall be credited to the fund and used to make medicaid payments in accordance with division (A) of this section."

In line 124727 after "5168.26," insert "5168.54,"

In line 266379, delete "\$1,532,919 \$1,532,919" and insert "\$6,532,919 \$10,832,919"

In line 266387, add \$5,000,000 to fiscal year 2024 and \$9,300,000 to fiscal year 2025

In line 266393, add \$5,000,000 to fiscal year 2024 and \$9,300,000 to fiscal year 2025

In line 271069, delete "\$753,830 \$753,830" and insert "\$3,053,830 \$5,753,830"

In line 271085, add \$2,300,000 to fiscal year 2024 and \$5,000,000 to fiscal year 2025

In line 271113, add \$2,300,000 to fiscal year 2024 and \$5,000,000 to fiscal year 2025

In line 272734, delete "\$85,000,300 \$85,000,400" and insert "\$86,000,300 \$85,500,400"

In line 272743, add \$1,000,000 to fiscal year 2024 and \$500,000 to fiscal year 2025

In line 272755, add \$1,000,000 to fiscal year 2024 and \$500,000 to fiscal year 2025

After line 273499, insert:

"Section 333.XXX. CASH TRANSFERS FROM FRANCHISE PERMIT FEE

FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 47

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$2,300,000 cash in fiscal year 2024 and \$5,000,000 in fiscal year 2025, from the Nursing Home Franchise Fee Fund to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used by the Department of Health. Also, upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 cash in fiscal year 2024 and \$9,300,000 in fiscal year 2025, from the Nursing Home Franchise Fee fund to the Ombudsman Support Fund (Fund 5BA0), used by the Department of Aging. Finally, upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$500,000 cash in fiscal year 2024 and \$500,000 in fiscal year 2025, from the Nursing Home Franchise Fee Fund to the Medicaid Support and Recoveries Fund. All transferred funds shall be utilized in accordance with Section 5168.54 of the Revised Code.

Section 333.XXX. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT

Of the amount received by the Department of Medicaid during fiscal year 2024 and fiscal year 2025 from the intergovernmental transfers paid under sections 333.60, 333.170, and 333.260 of this act, and any other directed payment program as authorized under 42 CFR 438.6(c), the Medicaid Director shall deposit a portion of the payments into the state treasury to the credit of the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). The Director of Budget and Management shall adjust appropriations in line item 651685, Medicaid Recoveries - Program Support, along with the corresponding federal share in line item 651624, Medicaid Program Support - Federal, based on the amount of the deposits to Fund 5DL0 made under this section. Any adjusted amounts are hereby

appropriated."

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The motion was _____ agreed to.

SYNOPSIS

Nursing facility franchise fee

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R.C. 5168.54

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Expands the allowable use of the Nursing Facility Franchise Fee fund to include the following:

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-Funding to expand the state ombudsman long-term care program and resident and family surveys at ODA;

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-Funding the addition of surveyors at ODH;

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-Funding quality and consumer information resources.

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Department of Medicaid

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Sections 333.10, 333.XXX, and 333.XXX

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Increases appropriations in DPF Fund 5DL0 line item 651685, Medicaid Recoveries - Program Support, by \$1,000,000 in FY 2024 and \$500,000 in FY 2025.

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Adds a new provision permitting the OBM Director to transfer, upon the request of the ODM Director, funding in the following amounts and fiscal years from the Nursing Home Franchise Fee Fund to the following departments:

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-\$2,300,000 cash in FY 2024 and \$5,000,000 cash in FY 2025 to Fund 5B50 within ODH;

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-\$5,000,000 cash in FY 2024 and \$9,300,000 cash in FY 2025 to Fund 5BA0 within ODA.

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Additionally permits the OBM Director to transfer, upon the request of the ODM Director, \$500,000 cash in each fiscal year from the Nursing Home Franchise Fee Fund to the Medicaid Support and Recoveries Fund.

Adds a new provision requiring that the ODM Director deposit some portion of payments received for directed hospital payment programs into the state treasury to the credit of the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). Requires the OBM Director to adjust DPF Fund 5DL0 line item 651685, Medicaid Recoveries - Program Support, along with the corresponding federal share in FED Fund 3F00 line item 651624, Medicaid Program Support - Federal, to align with these deposits made to Fund 5DL0, and appropriates any such adjustments.

Department of Health

Section 291.10

Increases Fund 5B50 ALI 440616, Quality, Monitoring, and Inspection, by \$2,300,000 in FY 2024 and \$5,000,000 in FY 2025.

Department of Aging

Section 209.10

Increases Fund 5BA0 ALI 490620, Ombudsman Support, by \$5,000,000 in FY 2024 and \$9,300,000 in FY 2025.