



April 9th, 2024

Ohio House
Health Provider Services Committee
H.B. 236

Chairperson Cutrona, Vice Chair Gross, Ranking Member Somani, and Members of the House Health Provider Services Committee:

I would like to thank the committee for the opportunity to testify on House Bill 236 (Never Alone Act). On behalf of the Ohio Provider Resource Association, I provide this testimony.

OPRA is a state-wide trade association representing nearly 200 private organizations who provide Medicaid-funded long-term services and supports to over 32,000 Ohioans with intellectual and developmental disabilities (I/DD). Our members provide a broad array of service, including residential services in residential facilities licensed under ORC 5123.19. These residential facilities may be funded through the Medicaid home and community-based services (HCBS) waiver program or may be intermediate care facilities for individuals with intellectual disabilities (ICF/IID). On behalf of these members, we offer this interested party testimony.

OPRA appreciates the sponsor's willingness to listen to provider feedback through the legislative process. We welcome many of the revisions to the legislation that have resulted from the interested party process and offer these additional suggestions for the committee's consideration.

- We appreciate the intent of the bill but believe the goal of the bill is achievable through already existing regulation. The bill would create unnecessary duplication of requirements on providers of the covered services for Ohioans with I/DD.
- Licensed residential facilities (LRF) under ORC 5123.19 providing Medicaid HCBS waiver services are not allowed to have restrictive visitor policies. This is the result of federal rule making commonly referred to as the HCBS Settings rule promulgated about a decade ago by the US Centers for Medicare and Medicaid Services. Full compliance with the rule is expected by next year and is enforced by state reviewers. If there are waiver-funded LRFs with restrictive visitor policies, residents can file complaints with the Office of Compliance at the Ohio Department of Developmental Disabilities (DODD).
- LRF under ORC 5123.19 are regulated by OAC 5123-3-03 Licensed residential facilities - person-centered planning. Under section C of OAC 5123-3-03, residents have the ability to choose people to help them make decisions about their care. If providers are not following the allowances here, residents and families in HCBS waiver settings can file a complaint with DODD and those in ICF-IIDs can file a complaint with the Department of Health.
- In ICF-IIDs, there are some settings where residents share rooms. Our members' concern is about how to best navigate disputes between roommates over when advocates can be in the space. Some of these locations are smaller and don't have spare rooms where advocates and residents could go to resolve this.

Thank you for accepting our testimony. For additional questions, I can be reached at pmoore@opra.org.

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