

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 1008

Representatives Troy, Grim

Cosponsors: Representatives Brennan, Brewer, Sims, Synenberg

To amend sections 173.541 and 5163.33 of the
Revised Code regarding the Medicaid personal
needs allowance for individuals eligible for the
Medicaid-funded assisted living program and for
residents of nursing homes and ICFs/IID.

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

Section 1. That sections 173.541 and 5163.33 of the
Revised Code be amended to read as follows:

Sec. 173.541. (A) To be eligible for the medicaid-funded
component of the assisted living program, an individual must
meet all of the following requirements:

~~(A)~~ (1) Need an intermediate level of care as determined by
an assessment conducted under section 173.546 of the Revised
Code;

~~(B)~~ (2) While receiving assisted living services under the
medicaid-funded component, reside in a residential care facility
that is authorized by a valid medicaid provider agreement to
participate in the component, including both of the following:

~~(1)~~ (a) A residential care facility that is owned or
operated by a metropolitan housing authority that has a contract

with the United States department of housing and urban 20
development to receive an operating subsidy or rental assistance 21
for the residents of the facility; 22

~~(2)~~(b) A county or district home licensed as a residential 23
care facility. 24

~~(C)~~(3) Meet all other eligibility requirements for the 25
medicaid-funded component established in rules adopted under 26
section 173.54 of the Revised Code. 27

(B) In determining the amount of income that a waiver 28
participant must apply monthly toward payment of services under 29
the medicaid-funded component of the assisted living program, a 30
county department of job and family services shall deduct from 31
the participant's monthly income a monthly personal needs 32
allowance in accordance with section 1902(q) of the "Social 33
Security Act," 42 U.S.C. 1396a(q). The monthly personal needs 34
allowance shall be not less than seventy-five dollars for an 35
individual and not less than one hundred fifty dollars for a 36
married couple if both spouses are participants in the medicaid- 37
funded component of the assisted living program and their 38
incomes are considered available to each other in determining 39
eligibility for the component. 40

Sec. 5163.33. (A) In determining the amount of income that 41
a medicaid recipient must apply monthly toward payment of the 42
cost of care in a nursing facility or ICF/IID, a county 43
department of job and family services shall deduct from the 44
recipient's monthly income a monthly personal needs allowance in 45
accordance with section 1902(q) of the "Social Security Act," 46
~~section 1902(q),~~ 42 U.S.C. 1396a(q). 47

(B) In the case of a resident of a nursing facility, the 48

monthly personal needs allowance shall be not less than ~~fifty-~~ 49
~~seventy-five~~ dollars for an individual resident and not less 50
than one hundred fifty dollars for a married couple if both 51
spouses are residents of a nursing facility and their incomes 52
are considered available to each other in determining 53
eligibility. 54

(C) In the case of a resident of an ICF/IID, the monthly 55
personal needs allowance shall be ~~as follows:~~ 56

~~(1) Prior to January 1, 2016, forty dollars unless the 57
resident has earned income, in which case the monthly personal 58
needs allowance shall be determined by the department of 59
medicaid, or the department's designee, but shall not exceed one 60
hundred five dollars;~~ 61

~~(2) For calendar year 2016 and each calendar year 62
thereafter, not less than fifty-seventy-five dollars for an 63
individual resident and not less than one hundred fifty dollars 64
for a married couple if both spouses are residents of an ICF/IID 65
and their incomes are considered available to each other in 66
determining eligibility. 67~~

Section 2. That existing sections 173.541 and 5163.33 of 68
the Revised Code are hereby repealed. 69