

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 130

Representatives LaRe, Brennan

Cosponsors: Representatives Gross, Mohamed, White, E., Brewer, Isaacsohn,  
Baker, Synenberg, Williams, Richardson

---

A BILL

To enact section 5162.213 of the Revised Code 1  
regarding notification requirements for the 2  
Medicaid Estate Recovery Program. 3

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

**Section 1.** That section 5162.213 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 5162.213.** (A) (1) Upon application, the department of 6  
medicaid shall notify each applicant for any medicaid program 7  
component subject to the medicaid estate recovery program 8  
instituted under section 5162.21 of the Revised Code of the 9  
existence of the medicaid estate recovery program, including the 10  
information specified in division (B) (1) of this section. 11

(2) The department of medicaid shall again notify each 12  
applicant described in division (A) (1) of this section about the 13  
medicaid estate recovery program, including the information 14  
specified in division (B) (2) of this section, when the 15  
application is approved. 16

(3) In addition to the notice required by divisions (A) (1) 17

and (2) of this section, the department also shall create both 18  
of the following: 19

(a) A consumer-focused notification that explains in plain 20  
language how the medicaid estate recovery program functions, 21  
including example scenarios. The department shall engage 22  
medicaid consumers to participate in the development and review 23  
of the notification and any additional materials that will 24  
accompany it. 25

(b) A notification for medicaid enrollees who may be at 26  
risk of being subject to the medicaid estate recovery program 27  
that lists available resources for consumer support, such as 28  
legal aid and estate planning resources. 29

(B) The director of medicaid shall adopt rules to ensure 30  
compliance with this section, as follows: 31

(1) The rules shall require the first page of the medicaid 32  
application to be a document that includes all of the following 33  
information: 34

(a) A statement that if the enrollee is enrolled in any 35  
program described by section 5162.21 of the Revised Code, the 36  
enrollee's estate may be subject to recovery after the 37  
enrollee's death; 38

(b) A list of health care and other services to which the 39  
medicaid estate recovery program applies; 40

(c) The per member per month capitation payment, or 41  
managed care premium, amount paid by the department to each 42  
medicaid managed care organization in the previous calendar 43  
year. As used in this division, "capitation payment" has the 44  
same meaning as defined in 42 C.F.R. 483.2. 45

(2) The rules shall require that an approved medicaid 46  
eligibility determination notice sent to enrollees as required 47  
under 42 C.F.R. 435.917 include both the information required 48  
under division (B) (1) of this section and a document that 49  
contains the following information: 50

(a) How to file a complaint with the department regarding 51  
the enrollee's medicaid benefits; 52

(b) How to inquire about the status of medicaid benefits; 53

(c) How to disenroll from the medicaid program. 54

(3) The rules shall specify the form and dissemination of 55  
the notifications described in division (A) (3) of this section, 56  
including a process for identifying medicaid enrollees who may 57  
be at risk of being subject to the medicaid estate recovery 58  
program. 59

The rules shall be adopted in accordance with Chapter 119. 60  
of the Revised Code. 61