

As Passed by the House

136th General Assembly

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H. B. No. 130

Representatives LaRe, Brennan

Cosponsors: Representatives Gross, Mohamed, White, E., Brewer, Isaacsohn, Baker, Synenberg, Williams, Richardson, Lampton, Mullins, Stephens, Abdullahi, Barhorst, Brent, Brownlee, Click, Cockley, Denson, Glassburn, Grim, Hall, D., Jarrells, Jones, Lear, Lett, Mathews, A., Mathews, T., McNally, Miller, J., Newman, Odioso, Oelslager, Peterson, Piccolantonio, Plummer, Rader, Ray, Robb Blasdel, Robinson, Roemer, Rogers, Russo, Salvo, Schmidt, Sigrist, Somani, Swearingen, Thomas, C., Thomas, D., Tims, Troy, Young

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