

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 822

Representative Click

To amend sections 173.541 and 5163.33 of the 1
Revised Code regarding the Medicaid personal 2
needs allowance for individuals eligible for the 3
Medicaid-funded assisted living program and for 4
residents of nursing homes and ICFs/IID. 5

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

Section 1. That sections 173.541 and 5163.33 of the 6
Revised Code be amended to read as follows: 7

Sec. 173.541. (A) To be eligible for the medicaid-funded 8
component of the assisted living program, an individual must 9
meet all of the following requirements: 10

~~(A)~~ (1) Need an intermediate level of care as determined by 11
an assessment conducted under section 173.546 of the Revised 12
Code; 13

~~(B)~~ (2) While receiving assisted living services under the 14
medicaid-funded component, reside in a residential care facility 15
that is authorized by a valid medicaid provider agreement to 16
participate in the component, including both of the following: 17

~~(1)~~ (a) A residential care facility that is owned or 18
operated by a metropolitan housing authority that has a contract 19
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 one hundred dollars for an 35
individual and not less than two hundred dollars for a married 36
couple if both spouses are participants in the medicaid-funded 37
component of the assisted living program and their incomes are 38
considered available to each other in determining eligibility 39
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

one hundred dollars for an individual resident and not less than 50
~~one two~~ hundred dollars for a married couple if both spouses are 51
residents of a nursing facility and their incomes are considered 52
available to each other in determining eligibility. 53

(C) In the case of a resident of an ICF/IID, the monthly 54
personal needs allowance shall be ~~as follows:~~ 55

~~(1) Prior to January 1, 2016, forty dollars unless the 56
resident has earned income, in which case the monthly personal- 57
needs allowance shall be determined by the department of 58
medicaid, or the department's designee, but shall not exceed one 59
hundred five dollars;~~ 60

~~(2) For calendar year 2016 and each calendar year 61
thereafter, not less than fifty one hundred dollars for an 62
individual resident and not less than ~~one two~~ hundred dollars 63
for a married couple if both spouses are residents of an ICF/IID 64
and their incomes are considered available to each other in 65
determining eligibility. 66~~

Section 2. That existing sections 173.541 and 5163.33 of 67
the Revised Code are hereby repealed. 68