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 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

development to receive an operating subsidy or rental assistance for the residents of the facility;

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

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

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

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

(B) In the case of a resident of a nursing facility, the monthly personal needs allowance shall be not less than ~~fifty~~

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

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

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

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

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