

Senate Finance Committee Testimony
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With respect to the Informed Choice Amendment, DD Families wish to dispel any notion that errant language in the House Bill will address the problem of County Boards not disclosing all care options to families. The House language does not fix the problem, but rather will wrongly enable one of the service options to continue to be hidden. As per Representative Romanchuk's May 21st letter, the House language was placed in the House Bill through a clerical error. It is a mistake. Representative Romanchuk urges senators to include DD Families Amendment (SC2943X1) in the Senate Bill so the error can be fixed and families are informed of all service options - waiver and ICF services.

To recap, DD Families' Informed Choice Amendment requires County Boards to inform families about all service options, waiver and ICF. Families should drive care decisions as they are the most knowledgeable about their loved ones needs and the most motivated to ensure the best outcome for their loved one with disabilities. The amendment states, when an individual/family contacts a County Board to inquire about services, the County Board shall:

- Inform the individual/ family of the different services, including ICF and waiver
- Provide the educational pamphlet created pursuant to ORC 5124.69 (that describes ICF and waiver services)
- Assist the individual/ family in accessing the list of waiver and ICF providers on DODD's website
- If an individual expresses interest in ICF services, the county board shall provide the individual contact information for ICFs located in the county and contiguous counties.

There are no appropriations attached to the amendment.

Finally, I would like to draw your attention to the American Medical Association's Code of Ethics which speaks directly to the issue of informed choice,

*"Informed consent to medical treatment is **fundamental in both ethics and law**. Patients have **the right to receive information** and ask questions about recommended treatments so that they can make well-considered decisions about care."* (American Medical Association's Code of Ethics Opinion 2.1.1)¹ (Emphasis added.)

DD families who seek Medicaid services make decisions about care and treatment options. As such, there exists a parallel between the AMA's code of ethics and DD Families' Informed Choice Amendment – both require information to be provided so that health care recipients can weigh benefits and make informed decisions. More pertinently, our amendment follows federal Medicaid law which requires states to provide information about services and to offer choice.²

¹ <https://www.ama-assn.org/delivering-care/ethics/informed-consent>

² Pursuant to 42 C.F.R. § 435.905(a) & (b), the state has a legal obligation to provide information, in plain language and in a manner that is accessible and timely, concerning: "(1) The eligibility requirements;" "(2) **Available Medicaid services;**"¹ and "(3) The rights and responsibilities of applicants and recipients."

Pursuant to 42 CFR § 431.51(b)(1) "...a beneficiary may obtain Medicaid services from any institution, agency, pharmacy, person, or organization that is (i) Qualified to furnish the services; and (ii) Willing to furnish them to that particular beneficiary."