

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 583**

**Representatives Russo, Liston**

**Cosponsors: Representatives Boyd, Clites, Lepore-Hagan, West**

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**A BILL**

To waive certain Medicaid requirements during the 1  
COVID-19 emergency declaration and to declare an 2  
emergency. 3

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

**Section 1.** (A) As used in this section: 4

(1) "Federal poverty line" has the same meaning as in 5  
section 5162.01 of the Revised Code. 6

(2) "Medicaid managed care organization" has the same 7  
meaning as in section 5167.01 of the Revised Code. 8

(3) "Medicaid services" and "provider agreement" have the 9  
same meanings as in section 5164.01 of the Revised Code. 10

(4) "Provider" means a Medicaid provider as defined in 11  
section 5164.01 of the Revised Code and any other person or 12  
government entity that furnishes services to a Medicaid 13  
recipient. 14

(B) (1) The Medicaid Director shall submit a request to the 15  
United States Secretary of Health and Human Services for a 16  
waiver under the "Social Security Act," section 1135, 42 U.S.C. 17

1320b-5, as necessary to do all of the following with respect to 18  
the Medicaid program during the period of the emergency declared 19  
by Executive Order 2020-01D, issued on March 9, 2020, due to 20  
COVID-19: 21

(a) Expand financial eligibility to three hundred per cent 22  
of the federal poverty line for children and two hundred per 23  
cent of the federal poverty line for adults; 24

(b) Suspend any required actions a provider must take with 25  
respect to the Medicaid program or with respect to a license or 26  
provider agreement; 27

(c) Suspend any facility requirements relating to 28  
infection screening and testing, such as occupancy limits or 29  
staffing ratios; 30

(d) Permit health care providers licensed in other states 31  
to provide medical services to Medicaid recipients in this state 32  
without additional license requirements; 33

(e) Suspend any prior authorization requirements for 34  
Medicaid services, including those established by Medicaid 35  
managed care organizations; 36

(f) Suspend the preadmission screening and annual resident 37  
review as required under sections 5123.021 and 5165.03 of the 38  
Revised Code; 39

(g) Not implement the requirements of section 5166.37 of 40  
the Revised Code and not implement the Medicaid waiver component 41  
granted by the Centers for Medicare and Medicaid Services on 42  
March 15, 2019, and entitled "Ohio Group VIII Work Requirement 43  
and Community Engagement Section 1115 Demonstration"; 44

(h) Suspend any requirements that a Medicaid recipient 45

take action to maintain continued eligibility for the Medicaid program and invoke all available exceptions to timeliness standards for renewing Medicaid eligibility;

(i) Implement presumptive eligibility to the maximum extent authorized under federal law, including by:

(i) Expanding presumptive eligibility to cover additional optional eligibility groups, including justice-involved individuals;

(ii) Suspending any existing restrictions on presumptive eligibility that are optional or permissive under federal law, including the restriction that an individual is ineligible for a subsequent presumptive coverage period for twelve months beginning on the date of a presumptive coverage determination.

(j) Suspend any copayment requirements established under section 5162.20 of the Revised Code;

(k) Authorize payment for Medicaid services provided by a home health agency at the time the services are ordered by a physician, rather than when the services are provided.

(2) To the extent that any of the actions described in division (B)(1) of this section conflict with any provision of the Revised Code, such provision of the Revised Code is suspended during the period of the emergency described in that division.

**Section 2.** Section 5162.70 of the Revised Code is suspended during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, due to COVID-19.

**Section 3.** This act is an emergency measure necessary for

the immediate preservation of the public peace, health, and 74  
safety. The reason for such necessity is to provide patients 75  
access to Medicaid services under the Medicaid program with 76  
minimal disruption during the COVID-19 outbreak. Therefore, this 77  
act shall go into immediate effect. 78