

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 572**

**Representatives Ginter, Carruthers**

**Cosponsors: Representatives Seitz, Carfagna, Johnson, Troy, Young, T., Click, Lanese, Gross, Denson, Grendell, Addison, Blackshear, Brown, Davis, Fraizer, Galonski, Hoops, Humphrey, Jarrells, John, Lepore-Hagan, Lightbody, Liston, Miller, J., O'Brien, Patton, Pavliga, Roemer, Rogers, Sobecki, Stephens, West, Speaker Cupp**

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**A BILL**

To enact sections 173.57 and 5166.45 of the Revised Code to require the Departments of Aging and Medicaid to establish programs to provide payment to residential care facilities that have residents who are Assisted Living waiver recipients.

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

**Section 1.** That sections 173.57 and 5166.45 of the Revised Code be enacted to read as follows:

Sec. 173.57. (A) As used in this section, "residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

(B) Unless the medicaid-funded component of the assisted living program is terminated pursuant to division (C) of section 173.54 of the Revised Code, the director of aging shall establish a program under the medicaid-funded component of the

assisted living program to provide payment to residential care 16  
facilities that meet the requirements for participation in the 17  
medicaid-funded component of the assisted living program 18  
established by rules adopted under section 173.54 of the Revised 19  
Code. 20

(C) The director shall establish residential care facility 21  
payment rates under the program that are consistent with the 22  
payment rates specified under division (C) and any additional 23  
payment rates established pursuant to division (D) of section 24  
5166.45 of the Revised Code. 25

(D) Not later than ninety days after the effective date of 26  
this section, the director shall adopt rules under section 27  
173.54 of the Revised Code to establish and implement the 28  
program. The rules shall be consistent with the rules adopted by 29  
the medicaid director under section 5166.45 of the Revised Code. 30

**Sec. 5166.45.** (A) As used in this section: 31

(1) "Nursing facility" has the same meaning as in section 32  
5165.01 of the Revised Code. 33

(2) "Per medicaid day payment rate" means a nursing 34  
facility's payment rate determined by the department of medicaid 35  
under section 5165.15 of the Revised Code. 36

(3) "Residential care facility" has the same meaning as in 37  
section 3721.01 of the Revised Code. 38

(B) The medicaid director shall establish a program to 39  
provide payment to residential care facilities that meet the 40  
requirements for participation in the medicaid-funded component 41  
of the assisted living waiver established by rules adopted under 42  
section 173.54 of the Revised Code. 43

(C) The director shall establish payment rates under the 44  
program as follows for residential care facilities that are 45  
reimbursed under service tier reimbursement rate III in the 46  
medicaid-funded component of the assisted living waiver: 47

(1) For residential care facilities in which at least 48  
fifteen per cent but fewer than thirty per cent of residents 49  
participate in the medicaid-funded component of the assisted 50  
living waiver, a payment rate that equals thirty-five per cent 51  
of the average per medicaid day payment rate for all nursing 52  
facilities in this state; 53

(2) For residential care facilities in which at least 54  
thirty per cent but fewer than fifty per cent of residents 55  
participate in the medicaid-funded component of the assisted 56  
living waiver, a payment rate that equals forty per cent of the 57  
average per medicaid day payment rate for all nursing facilities 58  
in this state; 59

(3) For residential care facilities in which at least 60  
fifty per cent but fewer than seventy per cent of residents 61  
participate in the medicaid-funded component of the assisted 62  
living waiver, a payment rate that equals fifty per cent of the 63  
average per medicaid day payment rate for all nursing facilities 64  
in this state; 65

(4) For residential care facilities in which at least 66  
seventy per cent of residents participate in the medicaid-funded 67  
component of the assisted living waiver, a payment rate that 68  
equals sixty per cent of the average per medicaid day payment 69  
rate for all nursing facilities in this state. 70

(D) The director may establish a payment rate for 71  
residential care facilities not described in division (C) of 72

this section. 73

(E) Not later than ninety days after the effective date of 74

this section, and in consultation with the director of aging, 75

the medicaid director shall adopt rules under section 5166.02 of 76

the Revised Code to establish and implement the program. 77