

Appendix 4

Ohio Dept. of Aging Uncodified Law

SECTION 209.10. AGE DEPARTMENT OF AGING

General Revenue Fund

GRF 490321	Operating Expenses	\$	1,501,616	\$	1,502,442
GRF 490410	Long-Term Care Ombudsman	\$	482,271	\$	482,271
GRF 490411	Senior Community Services	\$	7,130,952	\$	7,131,236
GRF 490414	Alzheimer's Respite	\$	1,917,740	\$	1,917,757
GRF 490423	Long Term Care Budget - State	\$	3,419,250	\$	3,419,250
GRF 490506	National Senior Service Corps	\$	241,413	\$	241,413
TOTAL GRF General Revenue Fund		\$	14,693,242	\$	14,694,369

General Services Fund Group

4800 490606	Senior Community Outreach and Education	\$	372,518	\$	372,523
TOTAL GSF General Services Fund Group		\$	372,518	\$	372,523

Federal Special Revenue Fund Group

3220 490618	Federal Aging Grants	\$	14,000,000	\$	14,000,000
3C40 490623	Long Term Care Budget	\$	3,525,000	\$	3,525,000
3M40 490612	Federal Independence Services	\$	63,655,080	\$	63,655,080
TOTAL FED Federal Special Revenue Fund Group		\$	81,180,080	\$	81,180,080

State Special Revenue Fund Group

4C40 490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000
5BA0 490620	Ombudsman Support	\$	750,000	\$	750,000
5K90 490613	Long Term Care Consumers Guide	\$	1,059,400	\$	1,059,400
5W10 490616	Resident Services Coordinator Program	\$	344,692	\$	344,700
TOTAL SSR State Special Revenue Fund Group		\$	3,089,092	\$	3,089,100
TOTAL ALL BUDGET FUND GROUPS		\$	99,334,932	\$	99,336,072

SECTION 209.20. LONG-TERM CARE

Pursuant to an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under section 5111.204 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program as delegated by the Department of Job and

Family Services in an interagency agreement. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

SECTION 209.30. LONG-TERM CARE OMBUDSMAN

The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients.

ALZHEIMER'S RESPITE

The foregoing appropriation item 490414, Alzheimer's Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.

SENIOR COMMUNITY OUTREACH AND EDUCATION

The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM

The foregoing appropriation item 490609, Regional Long-Term Care Ombudsman Program, shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the Long-Term Care Ombudsman.

TRANSFER OF RESIDENT PROTECTION FUNDS

In each fiscal year, the Director of Budget and Management may transfer up to \$750,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Job and Family Services, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging. The moneys in the Ombudsman Support Fund may be used by the state office of the Long-Term Care Ombudsman Program and by regional ombudsman programs to promote person-centered care in nursing homes.

On July 1, 2011, or as soon as possible thereafter, the Department of Aging shall certify to the Director of Budget and Management the amount of the cash balance in the Ombudsman Support Fund at the end of fiscal year 2011.

LONG-TERM CARE CONSUMERS GUIDE

The foregoing appropriation item 490613, Long-Term Care Consumers Guide, shall be used to conduct annual customer satisfaction surveys and to pay for other administrative expenses related to the publication of the Ohio Long-Term Care Consumer Guide.

During fiscal year 2012 and fiscal year 2013, the Department of Aging shall identify methods and tools for assessing consumer satisfaction with adult care facilities and with the providers of home and community-based services. The Department shall also consider the development of a provider fee structure to support the inclusion of information about adult care facilities and providers of home and community-based services among the types of providers reviewed in the Ohio Long-Term Care Consumer Guide.

SECTION 209.40. UNIFIED LONG-TERM CARE SYSTEM ADVISORY WORKGROUP

(A) As used in this section, "long-term care services" means both of the following:

- (1) Services of long-term care facilities as defined in section 173.14 of the Revised Code;
- (2) Community-based long-term care services as defined in section 173.14 of the Revised Code.

(B) There is hereby created for fiscal year 2012 and fiscal year 2013 the Unified Long-Term Care System Advisory Workgroup. The Workgroup shall consist of the following members:

- (1) The Director of Aging, or the Director's designee;
- (2) The following persons appointed by the Governor:
 - (a) Advocates for individuals who use long-term care services;
 - (b) Representatives of providers of long-term care services;
 - (c) Representatives of managed care organizations under contract with the Department of Job and Family Services under section 5111.17 of the Revised Code;
 - (d) State policy makers.
- (3) One member of the House of Representatives from the majority party and one member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives;
- (4) One member of the Senate from the majority party and one member of the Senate from the minority party, appointed by the President of the Senate.

(C) Members of the Workgroup shall be appointed not later than fifteen days after the effective date of this section. Except to the extent that serving on the Workgroup is part of a member's regular employment duties, a member of the Workgroup shall not be paid for the member's service on the Workgroup. Members of the Workgroup shall not be reimbursed for their expenses incurred in serving on the Workgroup.

(D) The Director of Aging or the Director's designee shall serve as chairperson of the Workgroup. The Departments of Aging and Job and Family Services shall provide staff and other support services for the Workgroup.

(E) The Workgroup shall serve in an advisory capacity in the implementation of a unified system of long-term care services that facilitates all of the following:

- (1) Providing consumers choices of long-term care services that meet their health-care needs and improve their quality of life;
- (2) Providing a continuum of long-term care services that meets consumers' needs throughout life and promotes consumers' independence and autonomy;
- (3) Assuring that the state has a system of long-term care services that is cost effective and connects disparate services across agencies and jurisdictions.

(F) The Workgroup, with the assistance of the Directors of Job and Family Services and Budget and Management, shall submit two reports to the General Assembly in accordance with section 101.68 of the Revised Code regarding a unified system of long-term care services. The first report is due not later than July 1, 2012. The second report is due not later than

July 1, 2013. A report due before the unified system of long-term care services is established shall discuss the progress being made in establishing the system. A report due after the system is established shall discuss the system's effectiveness.

SECTION 209.50. UNIFIED LONG-TERM CARE SYSTEM
ADVISORY WORKGROUP SUBCOMMITTEES

The Unified Long-Term Care System Advisory Workgroup shall convene four subcommittees.

The first subcommittee shall study the current and future capacity of nursing facilities in this state, the configuration of that capacity, and strategies for addressing nursing facility capacity, including the ability of nursing facility operators to determine the number of beds to certify for participation in the Medicaid program. The subcommittee shall complete a report of the part of the study regarding the ability of nursing facility operators to determine the number of beds to certify for participation in the Medicaid program not later than September 1, 2011.

For purposes related to division (D) of section 5111.244 of the Revised Code, the second subcommittee shall study the quality incentive payments to be paid to nursing facilities under the Medicaid program for fiscal year 2013, including accountability measures to be used in awarding points for the quality incentive payments and the methodology for calculating the quality incentive payments. The subcommittee shall complete a report of its study not later than September 1, 2011.

The third subcommittee shall study the process of making Medicaid eligibility determinations for individuals seeking nursing facility services. The subcommittee shall complete a report of its study not later than December 31, 2011.

The fourth subcommittee shall study Medicaid reimbursement for nursing facility services, including issues related to the composition of peer groups, methodologies used to calculate reimbursement for capital costs, and the proportion of the total nursing facility reimbursement rate that should be based on the quality of care nursing facilities provide. The subcommittee shall complete a report of its study not later than December 31, 2012.

Each subcommittee shall submit its report to the General Assembly in accordance with section 101.68 of the Revised Code and to the Directors of Aging, Health, and Job and Family Services. A subcommittee shall cease to exist on the submission of its report.