

# **Appendix 8**

***DODD Uncodified Law***

funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

(B) Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, before June 30, 2012, shall transfer to the State Special Projects Fund (Fund 4F20) an amount not to exceed \$5,000,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

#### SECTION 261.40.10. WORKFORCE DEVELOPMENT

The Director of Development and the Director of Job and Family Services may enter into one or more interagency agreements between the two departments and take other actions the directors consider appropriate to further integrate workforce development into a larger economic development strategy, to implement the recommendations of the Workforce Policy Board, and to complete activities related to the transition of the administration of employment programs identified by the board. Subject to the approval of the Director of Budget and Management, the Department of Development and the Department of Job and Family Services may expend moneys to support the recommendations of the Workforce Policy Board in the area of integration of employment functions as described in this paragraph and to complete implementation and transition activities from the appropriations to those departments.

#### SECTION 263.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES

##### General Revenue Fund

GRF 320321	Central Administration	\$	4,422,794	\$	4,422,794
GRF 320412	Protective Services	\$	2,174,826	\$	1,957,343
GRF 320415	Lease-Rental Payments	\$	18,394,250	\$	19,907,900
GRF 322407	Medicaid State Match	\$	218,034,162	\$	214,902,506
GRF 322451	Family Support Services	\$	5,932,758	\$	5,932,758
GRF 322501	County Boards Subsidies	\$	40,906,365	\$	44,449,280
GRF 322503	Tax Equity	\$	14,000,000	\$	14,000,000
TOTAL GRF General Revenue Fund		\$	303,865,155	\$	305,572,581

##### General Services Fund Group

1520 323609	Developmental Center and Residential Operating Services	\$	3,414,317	\$	3,414,317
TOTAL GSF General Services Fund Group		\$	3,414,317	\$	3,414,317

##### Federal Special Revenue Fund Group

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3A50	320613	DD Council	\$	3,341,572	\$	3,341,572
3250	322612	Community Social Service Programs	\$	11,017,754	\$	10,604,896
3DZ0	322648	Enhanced Medicaid - Federal	\$	10,000,000	\$	0
3G60	322639	Medicaid Waiver - Federal	\$	866,566,007	\$	985,566,007
3M70	322650	CAFS Medicaid	\$	29,349,502	\$	29,349,502
3A40	323605	Developmental Center and Residential Facility Services and Support	\$	180,266,029	\$	179,384,881
TOTAL FED Federal Special Revenue Fund Group			\$	1,100,540,864	\$	1,208,246,858
<b>State Special Revenue Fund Group</b>						
5GE0	320606	Operating and Services	\$	7,406,609	\$	7,407,297
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000
4K80	322604	Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000
5CT0	322632	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000
5DJ0	322625	Targeted Case Management Match	\$	21,000,000	\$	24,000,000
5DJ0	322626	Targeted Case Management Services	\$	57,307,357	\$	66,000,000
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000
5EV0	322627	Program Fees	\$	685,000	\$	685,000
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000
5JX0	322651	Interagency Workgroup - Autism	\$	45,000		45,000
5Z10	322624	County Board Waiver Match	\$	235,000,000	\$	290,000,000
4890	323632	Developmental Center Direct Care Support	\$	16,497,170	\$	16,497,169
5S20	590622	Medicaid Administration & Oversight	\$	20,875,567	\$	21,727,540
TOTAL SSR State Special Revenue Fund Group			\$	372,876,703	\$	440,422,006
TOTAL ALL BUDGET FUND GROUPS			\$	1,780,697,039	\$	1,957,655,762

**SECTION 263.10.10. LEASE-RENTAL PAYMENTS**

The foregoing appropriation item 320415, Lease-Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2011, through June 30, 2013, by the Department of Developmental Disabilities under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code.

**SECTION 263.10.20. MEDICAID - STATE MATCH (GRF)**

Except as otherwise provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 322407, Medicaid

State Match, shall be used include the following:

(A) Home and community-based waiver services under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(B) To pay the nonfederal share of the cost of one or more new intermediate care facilities for the mentally retarded certified beds, if the Director of Developmental Disabilities is required by this act to transfer cash from funds used by the Department to any fund used by the Department of Job and Family Services to pay such nonfederal share.

(C) To implement the requirements of the agreement settling the consent decree in *Sermak v. Manuel*, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division.

(D) To implement the requirements of the agreement settling the consent decree in the *Martin v. Strickland*, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division.

(E) Developmental center and residential facilities services.

(F) Other programs as identified by the Director of Developmental Disabilities.

#### SECTION 263.10.30. FAMILY SUPPORT SERVICES SUBSIDY

(A) The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2012 and fiscal year 2013:

(1) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs.

(2) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

(B) Each county board shall submit reports to the Department of Developmental Disabilities on the use of funds received under this section. The reports shall be submitted at the times and in the manner specified in rules the Director shall adopt in accordance with Chapter 119. of the Revised Code.

**SECTION 263.10.40. STATE SUBSIDY TO COUNTY DD BOARDS**

(A) Except as otherwise provided in the section of this act titled "NONFEDERAL SHARE OF NEW ICF/MR BEDS," the foregoing appropriation item 322501, County Boards Subsidies, shall be used for the following purposes:

(1) To provide a subsidy to county boards of developmental disabilities in quarterly installments and allocated according to a formula developed by the Director of Developmental Disabilities in consultation with representatives of county boards. Except as otherwise provided in section 5126.0511 of the Revised Code, or in division (B) of this section, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, or supported living as defined in section 5126.01 of the Revised Code.

(2) To provide funding, as determined necessary by the Director of Developmental Disabilities, for residential services, including room and board, and support service programs that enable individuals with developmental disabilities to live in the community.

(3) To distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations. The Director shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds.

(B) In collaboration with the county's family and children first council, a county board of developmental disabilities may transfer portions of funds received under this section, to a flexible funding pool in accordance with the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**SECTION 263.10.50. COUNTY BOARD SHARE OF WAIVER SERVICES**

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2012 and fiscal year 2013 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each

quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

#### SECTION 263.10.60. TAX EQUITY

Notwithstanding section 5126.18 of the Revised Code, the foregoing appropriation item 322503, Tax Equity, may be used to distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations. The Director shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds.

#### SECTION 263.10.70. MEDICAID WAIVER - STATE MATCH

The foregoing appropriation item 322604, Medicaid Waiver - State Match (Fund 4K80), shall be used as state matching funds for home and community-based waivers.

#### SECTION 263.10.80. ICF/MR CONVERSION

(A) As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(B) For each quarter of the biennium, the Director of Developmental Disabilities shall certify to the Director of Budget and Management the estimated amount needed to fund the provision of home and community-based services made available by the slots sought under section 5111.877 of the Revised Code. On receipt of certification, the Director of Budget and Management shall transfer the estimated amount in cash from the General Revenue Fund to the Home and Community-Based Services Fund (Fund 4K80), used by the Department of Developmental Disabilities. Upon completion of the transfer, appropriation item 600525, Health Care/Medicaid, is hereby reduced by the amount transferred under this section plus the corresponding federal share. The amount transferred to Fund 4K80 is hereby appropriated to appropriation item 322604, Medicaid Waiver – State Match.

(C) If receipts credited to the Medicaid Waiver Fund (Fund 3G60) exceed the amounts appropriated from the fund, the Director of Developmental Disabilities may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and

Management, the additional amounts are hereby appropriated.

(D) If receipts credited to the Interagency Reimbursement Fund (Fund 3G50) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

#### SECTION 263.10.90. TARGETED CASE MANAGEMENT SERVICES

County boards of developmental disabilities shall pay the nonfederal portion of targeted case management costs to the Department of Developmental Disabilities.

The Directors of Developmental Disabilities and Job and Family Services may enter into an interagency agreement under which the Department of Developmental Disabilities shall transfer cash from the Targeted Case Management Fund (Fund 5DJ0) to the Medicaid Program Support - State Fund (Fund 5C90) used by the Department of Job and Family Services in an amount equal to the nonfederal portion of the cost of targeted case management services paid by county boards, and the Department of Job and Family Services shall pay the total cost of targeted case management claims. The transfer shall be made using an intrastate transfer voucher.

#### SECTION 263.20.10. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

#### SECTION 263.20.20. TRANSFER TO MEDICAID REPAYMENT FUND

On July 1, 2011, or as soon as possible thereafter, the Director of