

FY2022-2023 State Budget Issue Brief Ohio Senate Budget Requests

	Issue	Background	Requested action
Nursing homes	Rebasing ORC 5165.36 Line 59755, 77179	Ohio’s long-term care facilities are being reimbursed by a formula based on 2014 costs. Statutorily-required rebasing is designed to provide a safety net, but the executive budget delayed rebasing for two years. While the House indicated it should go forward by June 30, 2022, it only partially funded it (\$50 million per year of the biennium.)	Boost funding for rebasing by \$150 million for each year of the biennium (\$200/year total) and require it be implemented no later than October 1, 2021. Without rebasing, many Ohio long-term care providers serving rural or under-served regions will struggle to continue serving Ohioans in need of care.
	QIP ORC 5165.15, 5165.151, and 5165.26, Repealed: 5165.25	The executive budget sustained the existing quality incentive payment (QIP) with a \$360 investment, and boosted funding by \$50 million per year of the biennium. The House moved the language back into the permanent Revised Code, and increased investment by \$58.5 million per year of the biennium, for a total of \$108.5 million.	Preserve the House version, with the following modification: Under 5165.26, strike (C)(2)(d) which provides that for FY 2023, a nursing facility’s quality points are reduced to zero if its total points are less than its total number of points for FY 2022; and” (lines 59604-59608)
	CON ORC 3702.511	A nursing home must obtain a certificate of need (CON) for any renovation greater than \$2 million expenditure.	The \$2 million level was set in the mid-1990s. To account for inflation, the threshold should be updated to \$6 million.
	Critical Access ORC 5165.01, 5165.26 Lines 58617- 58623	ODM suggested language redefining the meaning, “as of the last day of the year” for calculating the occupancy criteria for the critical access payments.	For clarity, rather than defining “as of the last day of the year,” the ORC should replace the phrase with language referencing the occupancy indicated on the Medicaid cost reports for the specified year.
	ODH Authority lines 39074- 39146	The Executive budget included an expansion of the Director of Health’s authority to intervene when a nursing home resident’s health or safety were in jeopardy. The House made some changes to dampen the impact on providers.	The new authority is duplicative of existing authorities which allow ODH to enter a facility at any time, issue citations at an “immediate jeopardy” level if there is harm or risk of harm, and require remedies within a timeframe assigned by ODH. This new authority should be removed from HB110.
HCBS	Adult Day 333.165 Lines 76934- 76943	The House supported a \$5 million-per-year boost to Ohio’s adult day providers, many of which still remain shuttered as a result of the pandemic.	Preserve the House version. Without this boost, Ohio risks substantial closures of adult day centers statewide. Without adult day, Ohioans move to costlier care options.



Founded in 1937, LeadingAge Ohio is a nonprofit organization that represents over 400 long-term care organizations and hospices, as well as those providing ancillary health care and housing services, in more than 150 Ohio towns and cities. LeadingAge Ohio is the voice for the continuum of long-term services and supports.

	HCBS nursing, aide, assisted living & meals	The Executive and House budget increased nursing and aide payments by 4% for PASSPORT, Ohio Home Care Waiver, MyCare Ohio and assisted living waiver. Waiver meals were increased to \$7.20 per meal.	Increase payments to nursing, aide and assisted living by 5% for each year of the biennium.
	Home care licensure ORC 3740.01, 3740.02-3740.05, and others. Lines 40048-40322	The House budget would require skilled and non-medical providers (both agencies and non-agency) to be licensed in the state of Ohio.	Make modifications to language, including: <ul style="list-style-type: none"> • Allowing volunteers grandparents, stepchildren and step-parents to be exempt. • Clarify the definition of “nonmedical home health services.”

In addition to these specific budget items, LeadingAge Ohio is supportive of efforts to expand access to the Program for All-Inclusive Care for the Elderly (PACE) throughout Ohio.