

rate increases shall be used to ensure workforce stability and 156733
greater access to care for Medicaid recipients through increased 156734
wages and needed workforce supports. 156735

Section 333.240. MEDICAID ASSISTED LIVING PROGRAM PAYMENT 156736
RATES 156737

(A) As used in this section: 156738

(1) "Assisted living program" and "assisted living services" 156739
have the same meanings as in section 173.51 of the Revised Code. 156740

(2) "Assisted living memory care service" means a service 156741
provided by a residential care facility to an individual with a 156742
documented diagnosis of any form of dementia who is residing in an 156743
assisted living memory care unit and being served by an assisted 156744
living Medicaid provider. 156745

(3) "Assisted living memory care unit" means a discrete unit 156746
or section in a residential care facility or an entire residential 156747
care facility that meets both of the following criteria: 156748

(a) The unit or facility is designated by the facility 156749
operator as a memory care unit. 156750

(b) The unit or facility is operated in compliance with rules 156751
applicable to memory care units adopted by the Department of 156752
Health under Chapter 3721. of the Revised Code. 156753

(4) "Direct care staff" includes nurses, resident care 156754
assistants, activities personnel, and social services personnel 156755
who are employed by or contracted with a residential care 156756
facility. 156757

(5) "Practitioner" means a health care provider engaging in 156758
activities authorized by the provider's license, certification, or 156759
registration. 156760

(6) "Residential care facility" has the same meaning as in 156761

section 3721.01 of the Revised Code. 156762

(B) The Department of Medicaid, in consultation with the 156763
Department of Aging, shall adopt rules, effective November 1, 156764
2023, establishing an assisted living services base payment rate 156765
for residential care facilities participating in the 156766
Medicaid-funded component of the assisted living program that 156767
shall be no less than one hundred thirty dollars per day. 156768

(C) The Department of Medicaid and the Department of Aging 156769
shall adopt rules, effective November 1, 2023, establishing an 156770
assisted living memory care service payment rate for residential 156771
care facilities participating in the Medicaid-funded component of 156772
the assisted living program. This payment rate is based on 156773
additional costs that a provider may incur resulting from serving 156774
individuals with dementia and, except as provided in division (E) 156775
of this section, shall be at least twenty-five dollars per day 156776
more than the base payment rate established by rules adopted under 156777
division (B) of this section. The per diem for assisted living 156778
memory care service will only be available to assisted living 156779
providers if both the following conditions are met: 156780

(1) The resident for whom the per diem is paid was assessed 156781
by a practitioner and was determined by the practitioner to need 156782
the services of a memory care unit. 156783

(2) The memory care unit in which the resident resides has a 156784
direct care staff to resident ratio that is at least twenty per 156785
cent higher than other units in the residential care facility. If 156786
the memory care unit is an entire residential care facility, the 156787
facility in which the resident resides has a direct care staff to 156788
resident ratio that is at least twenty per cent higher than the 156789
average direct care staff to resident ratio of a representative 156790
sample of residential care facilities participating in the 156791
Medicaid-funded component of the assisted living program or parts 156792
of those facilities that are not memory care units. 156793

(D) The Department of Medicaid and the Department of Aging 156794
shall adopt rules establishing an assisted living critical access 156795
payment rate for residential care facilities participating in the 156796
Medicaid-funded component of the assisted living program that 156797
averaged at least fifty per cent of their residents receiving 156798
Medicaid-funded services during the preceding state fiscal year or 156799
in the case of a new residential care facility, that projects to 156800
average at least fifty per cent of its residents receiving 156801
Medicaid-funded services during the state fiscal year in which the 156802
facility opens. The critical access payment rate shall be at least 156803
fifteen dollars per day more than the base payment rate 156804
established by rules adopted under division (B) of this section. 156805

(E) The assisted living memory care service payment rate for 156806
a residential care facility participating in the Medicaid-funded 156807
component of the assisted living program that receives a critical 156808
access payment rate under rules adopted under division (D) of this 156809
section shall be at least ten dollars higher than the critical 156810
access payment rate. 156811

(F) The Department of Medicaid, in consultation with the 156812
Department of Aging and stakeholders, shall adopt rules 156813
establishing a methodology for determining rates for assisted 156814
living services, including assisted living memory care services 156815
and critical access services, which at minimum provides for 156816
adjusting rates annually for changes in the Consumer Price Index 156817
for All Items for All Urban Consumers for the Midwest region, 156818
published by the U.S. Bureau of Labor Statistics. The Department 156819
shall adopt rules under this section no later than July 1, 2024. 156820

Section 333.250. TRANSFER OF APPROPRIATION FOR PRE-ADMISSION 156821
SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND 156822
ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID 156823

On July 1, 2023, or as soon as possible thereafter, upon the 156824