

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**S. B. No. 321**

**Senator Tavares**

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**A B I L L**

To amend section 5119.41 of the Revised Code to set 1  
the countable resource limit for the Residential 2  
State Supplement program at \$2,000. 3

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

**Section 1.** That section 5119.41 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 5119.41.** (A) As used in this section and section 6  
5119.411 of the Revised Code: 7

(1) "Nursing facility" has the same meaning as in section 8  
5165.01 of the Revised Code. 9

(2) "Residential state supplement administrative agency" 10  
means the department of mental health and addiction services or, 11  
if the department designates an entity under division (C) of this 12  
section for a particular area, the designated entity. 13

(3) "Residential state supplement program" means the program 14  
administered pursuant to this section. 15

(B) The department of mental health and addiction services 16  
shall implement the residential state supplement program under 17  
which the state supplements the supplemental security income 18  
payments received by aged, blind, or disabled adults under Title 19

XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 20  
Residential state supplement payments shall be used for the 21  
provision of accommodations, supervision, and personal care 22  
services to social security, supplemental security income, and 23  
social security disability insurance recipients who the department 24  
determines are at risk of needing institutional care. 25

(C) In implementing the program, the department may designate 26  
one or more entities to be responsible for providing 27  
administrative services regarding the program. The department may 28  
designate an entity to be a residential state supplement 29  
administrative agency under this division either by entering into 30  
a contract with the entity to serve in that capacity or by 31  
otherwise delegating to the entity the responsibility to serve in 32  
that capacity. 33

(D) For an individual to be eligible for residential state 34  
supplement payments, all of the following must be the case: 35

(1) Except as provided by division (H) of this section, the 36  
individual must reside in one of the following: 37

(a) A residential care facility licensed by the department of 38  
health under Chapter 3721. of the Revised Code or an assisted 39  
living program as defined in section 5111.89 of the Revised Code; 40

(b) A residential facility as defined in division (A)(9)(b) 41  
of section 5119.34 of the Revised Code licensed by the department 42  
of mental health and addiction services; 43

(c) An apartment or room used to provide community mental 44  
health housing services certified by the department of mental 45  
health and addiction services under section 5119.36 of the Revised 46  
Code and approved by a board of alcohol, drug addiction, and 47  
mental health services under division (A)(14) of section 340.03 of 48  
the Revised Code. 49

(2) A residential state supplement administrative agency must 50

have determined that the environment in which the individual will 51  
be living while receiving the payments is appropriate for the 52  
individual's needs. If the individual is eligible for social 53  
security payments, supplemental security income payments, or 54  
social security disability insurance benefits because of a mental 55  
disability, the residential state supplement administrative agency 56  
shall refer the individual to a community mental health services 57  
provider for an assessment under division (A) of section 340.091 58  
of the Revised Code. 59

(3) The individual must have countable resources not 60  
exceeding two thousand dollars. 61

(4) The individual ~~satisfies~~ must satisfy all eligibility 62  
requirements established by rules adopted under division (E) of 63  
this section. 64

(E) The director of mental health and addiction services and 65  
medicaid director shall adopt rules in accordance with section 66  
111.15 of the Revised Code as necessary to implement the 67  
residential state supplement program. 68

To the extent permitted by Title XVI of the "Social Security 69  
Act," and any other provision of federal law, the medicaid 70  
director may adopt rules establishing standards for adjusting the 71  
eligibility requirements concerning the level of impairment a 72  
person must have so that the amount appropriated for the program 73  
by the general assembly is adequate for the number of eligible 74  
individuals. The rules shall not limit the eligibility of disabled 75  
persons solely on a basis classifying disabilities as physical or 76  
mental. The medicaid director also may adopt rules that establish 77  
eligibility standards for aged, blind, or disabled individuals who 78  
reside in one of the homes or facilities specified in division 79  
(D)(1) of this section but who, because of their income, do not 80  
receive supplemental security income payments. The rules may 81  
provide that these individuals may include individuals who receive 82

other types of benefits, including, social security payments or 83  
social security disability insurance benefits provided under Title 84  
II of the "Social Security Act," 42 U.S.C. 401, et seq. 85  
Notwithstanding division (B) of this section, such payments may be 86  
made if funds are available for them. 87

The director of mental health and addiction services may 88  
adopt rules establishing the method to be used to determine the 89  
amount an eligible individual will receive under the program. The 90  
amount the general assembly appropriates for the program may be a 91  
factor included in the method that director establishes. 92

(F) The county department of job and family services of the 93  
county in which an applicant for the residential state supplement 94  
program resides shall determine whether the applicant meets income 95  
and resource requirements for the program. 96

(G) The department of mental health and addiction services 97  
shall maintain a waiting list of any individuals eligible for 98  
payments under this section but not receiving them because moneys 99  
appropriated to the department for the purposes of this section 100  
are insufficient to make payments to all eligible individuals. An 101  
individual may apply to be placed on the waiting list even though 102  
the individual does not reside in one of the homes or facilities 103  
specified in division (D)(1) of this section at the time of 104  
application. The director of mental health and addiction services, 105  
by rules adopted in accordance with Chapter 119. of the Revised 106  
Code, may specify procedures and requirements for placing an 107  
individual on the waiting list and priorities for the order in 108  
which individuals placed on the waiting list are to begin to 109  
receive residential state supplement payments. The rules 110  
specifying priorities may give priority to individuals placed on 111  
the waiting list on or after July 1, 2006, who receive social 112  
security payments, social security disability insurance, or 113  
supplemental security income benefits under Title XVI of the 114

"Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006. The rules specifying priorities may also set additional priorities based on living arrangement, such as whether an individual resides in a facility listed in division (D)(1) of this section or has been admitted to a nursing facility.

(H) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

(I) The county department of job and family services from which the person is receiving benefits shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided in accordance with Chapter 119. of the Revised Code.

**Section 2.** That existing section 5119.41 of the Revised Code is hereby repealed.