



Ohio Legislative Service Commission

Bill Analysis

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S.B. 23

129th General Assembly
(As Introduced)

Sen. Tavares

BILL SUMMARY

- Gives an individual who is diagnosed as terminally ill with an anticipated life expectancy of five years or less and is on a waiting list for the PACE program or a Medicaid waiver program providing home and community-based services priority for enrollment in the program over other individuals on the waiting list.

CONTENT AND OPERATION

Terminally ill individuals given priority for Medicaid components

The bill gives an individual who is diagnosed as terminally ill with an anticipated life expectancy of five years or less and is on a waiting list for the PACE program or a Medicaid waiver program providing home and community-based services priority for enrollment in the PACE or Medicaid waiver program over other individuals on the waiting list.¹

Background

PACE

PACE stands for the Program of All-inclusive Care for the Elderly. PACE is a component of the Medicaid program under which the state and the United States Secretary of Health and Human Services contract with a provider to have the provider, directly or by contract with other entities, provide persons enrolled in PACE all items and services covered by the Medicaid program and, in the case of PACE enrollees who are also entitled to benefits under Medicare Part A or enrolled in Medicare Part B, all

¹ R.C. 173.405 and 5111.851.

items and services covered by Medicare. The medical services must be provided without any limitation or condition as to amount, duration, or scope and without application of deductibles, copayments, coinsurance, or other cost-sharing that would otherwise apply under Medicaid or Medicare.

Medicaid waiver programs

The state has several Medicaid waiver programs that provide home and community-based services. Three of the waiver programs – Assisted Living, Choices, and PASSPORT – are administered by the Department of Aging. The Department of Developmental Disabilities administers the Individual Options and Level 1 waiver programs. Pursuant to Am. Sub. H.B. 153 (the main appropriations act for fiscal years 2012 and 2013), the Department of Developmental Disabilities will administer the Transitions Developmental Disabilities waiver program instead of the Department of Job and Family Services.² As a result of this transfer, the Department of Job and Family Services will administer two waiver programs – the Home Care and Transitions II Aging Carve-Out waiver programs.

It is possible that the state will have another waiver program that could consolidate up to five of the current waiver programs into the new program. Under Am. Sub. H.B. 153, the Director of Job and Family Services must seek federal permission to create a unified long-term services and support Medicaid waiver program to provide home and community-based services to eligible individuals of any age who require the level of care provided by nursing facilities.³ If federal approval is granted, the Department of Job and Family Services and the Department of Aging are required to work together to determine, on an individual program basis, whether the following waiver programs should continue to operate as separate waiver programs or be terminated: PASSPORT, Choices, Assisted Living, Home Care, and Transitions II Aging Carve-Out.⁴

HISTORY

ACTION	DATE
Introduced	02-01-11

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² R.C. 5111.871 and Section 309.33.20 of Am. Sub. H.B. 153 of the 129th General Assembly.

³ R.C. 5111.864.

⁴ R.C. 173.40(C)(2), 173.403(C), 5111.861(C), 5111.863(C), and 5111.89(C)(2).

