**Section 309.30.80.** STUDY OF ICF/MR ISSUES

(A) As used in this section:

"Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.

"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.

(B) The Departments of Job and Family Services and Developmental Disabilities shall study issues regarding the administration of, and Medicaid reimbursement for, ICF/MR services. In conducting the study, the Departments shall examine the following:

(1) Revising the Individual Assessment Form Answer Sheet in a manner that provides a more accurate assessment of the acuity and care needs of individuals who need ICF/MR services, especially the acuity and care needs of such individuals who have intensive behavioral or medical needs;

(2) Revising the Medicaid reimbursement formula for ICF/MR services to accomplish the following:

(a) Ensure that reimbursement for capital costs is adequate for maintaining the capital assets of ICFs/MR in a manner that promotes the well being of the residents;

(b) Provide capital incentives for reducing the capacity of ICFs/MR as necessary to achieve goals regarding the optimal capacity of ICFs/MR;

(c) Ensure that wages paid individuals who provide direct care services to ICF/MR residents are sufficient for ICFs/MR to meet staffing and quality requirements;

(d) Provide incentives for high quality services;

(e) Achieve other goals developed for the purpose of improving the appropriateness and sufficiency of Medicaid reimbursements for ICF/MR services.

(3) Transferring the powers and duties regarding ICF/MR services from the Department of Job and Family Services to the Department of Developmental Disabilities.

(C) The Departments shall examine the issue of revising the Individual Assessment Form Answer Sheet before examining the issue of revising the Medicaid reimbursement formula for ICF/MR services. Not later than October 1, 2011, the Departments shall prepare a report of the study conducted under this section and submit the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.

(D) At the same time that the Departments conduct the study under this section, they shall work with the Governor's Office of Health Transformation and persons interested in the issue of ICF/MR services to develop recommendations regarding the following:

(1) Goals regarding the ratio of home and community-based services and ICF/MR services provided under the Medicaid program that take into account goals regarding the optimal capacity of ICFs/MR;

(2) The roles and responsibilities of both of the following:

(a) ICFs/MR owned and operated by the Department of Developmental Disabilities;

(b) Providers of home and community-based services.

(3) Simplifying and eliminating duplicate regulations regarding ICFs/MR in a manner that lowers the cost of ICF/MR services.

(E) The powers and duties regarding ICF/MR services shall not be transferred from the Department of Job and Family Services to the Department of Developmental Disabilities unless a state law is enacted that expressly authorizes the transfer.