**HB 64 ICF Amendment 04-03-2015**

**Section 5123.1610 (supported living).**

In line 53185, delete "All" and insert "Both"

In line 53187, delete "suspends,"; after "terminates" delete the underlined comma

In line 53190, delete everything after "(1)"

Delete lines 53191 to 53195

In line 53196, delete "(2)"

In lines 53197, 53202, and 53205, after "certificate" insert "to provide medicaid funded supported living services"

In line 53200, delete "(3)" and insert "(2)"

In line 53211, delete "Suspension or revocation" and insert "Revocation"

**Section 5123.19 (licensure).**

In line 53308, delete "issue an"

Delete line 53309

In line 53310, delete "facility,"

In line 53327, after "(3)" delete the balance of the line

Delete lines 53328 to 53330

In line 53331, delete "(4)"

In line 53342, restore "(4)" and delete "(5)"

In line 53361, strike through "(6)" and insert "(5)"

In line 53376, strike through "(7)" and insert "(6)"

In line 53381, strike through "(8)" and insert "(7)"

In line 53389, strike through "(9)" and insert "(8)"

In line 53693, after "~~(T)~~" insert "(R)"; restore the balance of the line

Restore lines 53694 to 53701

In line 53701, after the period insert "This division does not preclude the department from suspending admissions to an ICF/IID under division (H) of section 5124.70 of the Revised Code."

In line 53702, delete "(R)" and insert "(S)"

**Section 5124.155 (flat rate).**

In line 54593, delete "or peer group 2"

In line 54594, after "is" insert "admitted to the ICF/IID on or after July 1, 2015, and is"

In line 54606, after "(2)" delete the balance of the line

Delete lines 54607 and 54608

In line 54609, delete "(3)"

In line 54611, delete the underlined semicolon and insert an underlined period

Delete lines 54612 to 54614

**Section 5124.67 (benchmarks).**

Between lines 54782 and 54783, insert the following:

"**Sec. 5124.67.**(A)(1) The department of developmental disabilities shall strive to achieve, not later than July 1, 2018, the following statewide reductions in ICF/IID beds:

(a) At least five hundred beds in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen or more beds;

(b) At least five hundred beds in ICFs/IID with any number of beds that convert some or all of their beds from providing ICF/IID services to providing home and community-based services pursuant to section 5124.60 or 5124.61 of the Revised Code.

(2) The department shall strive to achieve a reduction of at least one thousand two hundred ICF/IID beds through a combination of the methods specified in divisions (A)(1)(a) and (b) of this section.

(B) In its efforts to achieve the reductions under division (A) of this section, the department shall collaborate with the Ohio association of county boards serving people with developmental disabilities, the Ohio provider resource association, the Ohio centers for intellectual disabilities formed by the Ohio health care association, and the values and faith alliance. The collaboration efforts may include the following:

(1) Identifying ICFs/IID that may reduce the number of their beds to help achieve the reductions under division (A) of this section;

(2) Encouraging ICF/IID providers to reduce the number of their ICFs/IID's beds;

(3) ~~Establishing interim time frames for making progress in achieving the reductions;~~

~~(4)~~ Creating incentives for, and removing impediments to, the reductions;

~~(5)~~ (4) In the case of ICF/IID beds that are converted to providing home and community-based services, developing a mechanism to compensate providers for beds that permanently cease to provide ICF/IID services.

(C) The following interim time frames are established for making progress in achieving the reductions specified in division (A)(1)(b) of this section:

(1) By June 30, 2016, at least 225 beds are converted from providing ICF/IID services to providing home and community-based services pursuant to section 5124.60 or 5124.61 of the Revised Code.

(2) By June 30, 2017, at least 350 beds are converted from providing ICF/IID services to providing home and community-based services pursuant to section 5124.60 or 5124.61 of the Revised Code.

(D) The department shall meet not less than twice each year with the organizations specified in division (B) of this section to do all of the following:

(1) Review the progress being made in achieving the reductions under division (A) of this section;

(2) Prepare written reports on the progress;

(3) Identify additional measures needed to achieve the reductions."

**Section 5124.68 (admission review).**

In line 54786, after "(1)" delete the balance of the line

In line 54787, delete "individual to" and insert "The ICF/IID notifies in writing"

In line 54789, delete "application is completed" insert "notification is made that the ICF/IID may consider admitting the individual. The ICF/IID shall provide the county board with all information in its possession concerning the individual at the time notification is made. The ICF/IID may provide notification to the county board for more than one individual at a time"

In line 54791, delete "a copy of the evaluation"

In line 54792, delete "of the individual conducted" and insert "its findings"

In line 54793, delete "thirty" and insert "two business"

In line 54794, delete "a copy of"; delete "evaluation of the individual" and insert "findings"

In line 54798, delete "sixty" and insert "five business"; delete the second "a"

In line 54799, delete "completed admission application" and insert "notification"

In line 54802, delete "included in the application" and insert "provided by the ICF/IID"

In line 54804, delete "make"

In line 54805, delete "recommendations" and insert "provide counseling to the individual"

In line 54810, "a copy of the evaluation" and insert "its findings"

In line 54811, after "department" insert "on a form prescribed by the department"

In line 54812, delete "admission application" and insert "form for transmitting the county board's findings"

In line 54813, delete "to be used for the purpose of division (A)(1) of this section"

In line 54815, after "evaluating" insert "and providing counseling to"; delete "and making recommendations"

In line 54826, after "Code" insert "or during which the individual received rehabilitation services in another health care setting"

In line 54829, delete "before" and insert "within seven business days after the ICF/IID provides the notice required by division (A)(1) of this section."

Delete line 54830

**Section 5124.69 (options counseling).**

In line 54832, after "disabilities" insert an underlined comma and "with input from stakeholders,"

Delete lines 54874 to 54890

**Section 5124.70 (two per bedroom).**

In line 54899, delete "division" and insert "divisions"; after "(D)" insert an underlined comma and "(F), and (G)"

In line 54910, delete "December" and insert "June 30, 2025;"

Delete line 54911

In line 54917, after “plan” insert “which must demonstrate regular progress toward compliance with the requirement in division (B) of this section”

In line 54920, delete the underlined period and insert an underlined semicolon

Between lines 54920 and 54921, insert the following:

"(e) Interim steps showing that the ICF/IID is making substantial progress toward completion of the plan."

In line 54922, after "six" insert "unless the department determines that the new ICF/IID requires a medicaid-certified capacity that is greater than six to be financially viable. If the department determines that a new ICF/IID requires a medicaid-certified capacity that is greater than six to be financially viable, the department may approve the plan if the new ICF/IID has a medicaid-certified capacity that is not greater than eight."

Between line 54922 and 54923, insert the following:

“(4) The ICF/IID operator shall submit to the department annual reports regarding the implementation of the approved plan.”

In line 54947, after "(F)" delete the balance of the line and insert "Division (B) of this section does not apply to a sleeping room in which more than two residents reside if the residents are under the age of eighteen and the residents' parents or guardians consent to them residing in a sleeping room with more than two residents."

Delete lines 54948 to 54949 and insert the following:

"(G) The department shall waive the requirement in division (B) of this section if all of the following apply:

(1) On June 30, 2025, an ICF/IID has a sleeping room in which more than two residents reside;

(2) The same residents have resided in the sleeping room continuously since the effective date of this section;

(3) The department determines that the residents want to maintain their existing sleeping room arrangement.

(H) If the department determines that all of the following apply to an ICF/IID, the department, by written notice, may suspend admissions to the ICF/IID:

(1) The ICF/IID has an approved plan under this section;

(2) The ICF/IID fails to meet its projected medicaid-certified capacity for any year covered by its approved plan;

(3) The failure is not the result of factors outside the ICF/IID's control."

**Temp Law - Flat Rate & 2%**

In line 75196, delete "or peer group 2"

In line 75197, after "is" insert "admitted to the ICF/IID on or after July 1, 2015, and is"

In line 75209, after "(b)" delete the balance of the line

Delete lines 75210 and 75211

In line 75212, delete “(c)”

In line 75214, delete the semicolon and insert a period

Delete lines 75215 to 75217

In lines 75238 and 75242, delete "$288.99" and insert "$283.32"

In line 75301, delete "an" and insert "the"; delete "shall"

In line 75302, delete "determine" and insert "determined for the ICF/IID's peer group for Fiscal Year 2016"; delete "this"; after "section" insert "259.160 of this act"

Between lines 75327 and 75328, insert the following:

"(h) Increase the total rate determined under division (C)(2) of this section by the direct support personnel payment determined in accordance with division (D) of this section."

Between lines 75356 and 75357, insert the following:

"(d) Increase the total rate determined under division (C)(3) of this section by the median direct support personnel payment determined for all ICFs/IID in peer group 1 and peer group 2 under division (D) of this section."

In line 75357, delete "(b)" and insert "(h)"

In line 75358, delete "maximum costs per case-mix unit" and insert "direct support personnel payments"

In line 75362, after "(2)" delete the balance of the line and insert "Calculate each ICF/IID's direct support personnel payment as a percentage of the ICF/IID's per diem,"

In line 75363, delete "for" and insert "that is"

In line 75364, after "percentage" delete "of Medicaid days for" and insert "as the department applies to the per diem, desk-reviewed, actual, allowable direct care costs of all other"; delete "as for"

In line 75365, delete "ICFs/IID in" and insert "and"; after "2" delete the balance of the line

In line 75366, delete "Medicaid days"

In line 75374, after "(F)" insert "(1)"

In lines 75377 and 75381, delete "$289.60" and insert "$288.27 or a different amount the department determines under division (F)(2) of this section"

Between lines 75381 and 75382, insert the following:

"(2) The department, in its sole discretion, may increase the amount specified in division (F)(1) of this section. In determining whether to increase the amount, the department may consider the following:

(a) The number of beds downsized or partially converted in fiscal year 2016;

(b) The increase in payments resulting for the three month cost reports filed under section 5124.101 of the Revised Code in fiscal year 2016;

(c) The projected number of beds to be downsized or partially converted in fiscal year 2017;

(d) The projected increase in payments for the three month cost reports filed under section 5124.101 of the Revised Code in fiscal year 2017;

(e) The total number of converted and downsized beds under section 5124.67 of the Revised Code;

(f) Any other relevant factor.”

**Temp Law - New Reimbursement System**

In line 75593, delete "June 30, 2016" and insert "July 31, 2015"

In line 75604, delete the period and insert a semicolon

Between lines 75604 and 74605, insert the following:

"(4) Include recommendations regarding the resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code and the grouper methodology prescribed in rules authorized by section 5124.192 of the Revised Code."