



Date: December 17, 2019

Attn: Ohio Department of Medicaid, Bureau of Long-Term Services and Supports, HCBS Policy Section

From: LeadingAge Ohio

Re: Proposed Rate Increases for Personal Care Services in the Ohio Home Care and PASSPORT Waivers, Enhanced Community Living Services in the PASSPORT Waiver, and Assisted Living Services in the Assisted Living Waiver (Updated).

Thank you for the opportunity to review and comment on the proposed revisions to rules 5160-1-06.5 and 5160-1-06.1, which set the reimbursement levels for providers participating in Ohio's nursing home level of care waivers, PASSPORT and the Assisted Living Waiver.

LeadingAge Ohio acknowledges that the increases reflected in the proposed rule align with the Administration's stated intent to honor the Ohio legislature's appropriations to these important home- and community-based programs. In the Governor's veto statement, he noted, "The Ohio Department of Medicaid is supportive of the increase of rates for the Assisted Living Waiver program..." and in subsequent meetings with the Ohio Departments of Medicaid and Aging, staff shared their commitment to ensuring that the full appropriation was used as it was intended, as near as possible to the originally-intended implementation date in mid-October.

LeadingAge Ohio is particularly pleased to see the reimbursement level for Enhanced Community Living (ECL) boosted significantly. ECL serves a very small number of Ohioans currently. While there is still much to be done to meet the needs of older Ohioans in low-income housing, we believe that shoring up funding for this service is the next necessary step, and are grateful that the Administration demonstrated the foresight to preserve this important and innovative program.

In late October, the Ohio Department of Aging shared that rates for PASSPORT personal care services and Ohio's assisted living waiver would fall far short of the originally-intended 5.1% increases, and instead providers would receive 3.25% increase to their rates, reportedly due to an error in calculating the impact on the MyCare Ohio per-member per-month rate. When this reduced rate was shared, Departments communicated that they were still working towards an autumn effective date for the increases, considering the possibility of emergency rule as a mechanism to expedite the process.

At that time, LeadingAge Ohio joined other long-term services and supports associations in requesting the assumptions used by the Departments to arrive at their projected increase. To date this information has not been provided.

The rule currently in clearance would not be effective until late winter to early spring at the very earliest, some four months after the originally-intended effective date of the bill, and the timeline which the Departments had still been working from when the 3.25% was shared. The increases



included in the rule reflect the anticipated 3.25% increase across assisted living waiver tiers, and in PASSPORT, 3.34% for agency and 3.51% for non-agency personal care services.

LeadingAge Ohio is concerned that the Departments are not using the full appropriation as the legislature intended, especially given that they will be applied to a 4 - 5 month shorter timeframe than previously calculated. That is to say, if there were sufficient funds to increase rates by 3.25% over 21 months of the biennium, then the rate should be higher if it will only to cover 16 or 17 months of the biennium. This is estimated to bring the rate above 4 percent.

Unfortunately, any numbers offered by stakeholders are speculative since, as noted above, the Administration has yet to share the assumptions used for calculating the rate increases.

LeadingAge Ohio encourages the Department of Medicaid to recalculate the rate based on the curtailed timeframe and to share the calculations with stakeholders, to ensure transparency in the process.

Finally, LeadingAge Ohio is supportive of amended language which addresses a previous error related to transportation rates in the PASSPORT rule.

On behalf of its 400-plus members, LeadingAge Ohio appreciates the work undertaken by the Administration to move Ohio's community-based programs towards rates that better reflect the important value of professional caregivers in supporting aging Ohioans in the place they call home. We would welcome any opportunity for further dialogue on this or other topics.