

Aging/Medicaid Home and Community-Based Services Amendment

Section 333.230. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE OF MEDICAID SERVICES

(A) Direct care providers under Ohio's Medicaid program have been adversely impacted by the COVID-19 pandemic and extraordinary inflationary pressures within the economy. The Department of Medicaid in collaboration with the Department of Aging and the Department of Developmental Disabilities has included funding in the budget to be used for provider rate increases. These provider rate increases shall be used to ensure workforce stability and greater access to care for Medicaid recipients through increased wages and needed workforce supports.

(B) The Department of Medicaid, in collaboration with the Department of Aging and stakeholders, shall adopt rules, effective no later than November 1, 2023, that increase the payment rates for the following services personal care or aide services in each of the Medicaid programs specified in division (C) of this section and any related or successor programs by a percentage for each program that the Department determines supports an average wage rate of at least twenty dollars per hour for direct care workers. The rules also shall increase the payment rates for any nursing and therapy services that the programs specified in division (C) of this section cover by a percentage for each program that the Department determines supports an average wage rate of at least thirty-five dollars per hour for registered nurses.

(C) The rate increases specified by rules adopted under division (B) of this section shall apply to the following Medicaid programs:

- (1) PASSPORT waiver;
- (2) Ohio Home Care waiver;
- (3) MyCare Ohio waiver;
- (4) Medicaid home health, including MyCare Ohio.

(D) The rules adopted under division (B) of this section shall include the following additional rate factors and shall apply the payment rate increase percentage determined for the program to each of the factors:

- (1) For agency providers, supervisory wages;
- (2) Employee-related expenses for direct care workers and, for agency providers, supervisory personnel;
- (3) For agency providers, administrative overhead;

(4) Non-productive time, such as training, travel, and meetings, as applicable to agency and non-agency providers.

(E) The Department of Medicaid, in consultation with the Department of Aging and stakeholders, shall adopt rules establishing methodologies for determining payment rates for personal care, aide, nursing, and therapy services for each of the programs specified in division (C) of this section. The methodologies at minimum shall provide for adjusting rates annually for changes in the consumer price index for all items for all urban consumers for the midwest region, published by the United States Bureau of Labor Statistics. The Department shall adopt rules under this division no later than July 1, 2024.

(F) The Department of Medicaid shall include the payment rate increases specified in rules adopted under division (B) of this section or that result from the methodology established in rules adopted under division (E) of this section in capitation payments to managed care plans in any managed care program that covers the services for which the rate is increased.

Appropriation increases:

Personal care/aide

Federal	\$468,346,919
State	\$262,177,920

Nursing/therapy

Federal	\$145,889,126
State	\$54,316,800