



*Promoting Wellness and Recovery*

John R. Kasich, *Governor*  
Tracy J. Plouck, *Director*

# **Residential State Supplement Legislative Review**

# *Today's Agenda*

---

- I. Welcome & Introductions
- II. Legislative Review Purpose, Scope & Timeline
- III. RSS Program Description
- IV. Adult Care Facility/Adult Foster Home (ACF/AFoH) Disparity Issues
- V. Feedback/Comment Period

## II. Purpose of RSS Legislative Review

- *SFY 2014-15 Budget:*

“The Department of Mental Health and Addiction Services shall, with the input of stakeholders and impacted state agencies, conduct a review of the state and federal rules and statutes governing the Residential State Supplement Program and report on potential improvements to be made in governing the program not later than January 1, 2014.”
- Time-limited collaborative review of rules & statutes governing RSS, while also examining the policies regarding allowable fees for ACF/AFoH operators



# *Scope of RSS Legislative Review*

- RSS Program
  - Eligibility Criteria
  - Rules & Statutes
  - Current Operations
- ACF/AFoH Disparity Issues
  - Allowable Fees
  - Disparities Among Residents (RSS and non-RSS)
  - Disparities Among Residents with RSS (SSI and Social Security or SSDI)

# *Principles for Review*

- Sustain Housing that Supports Community Living in Integrated Settings
- Support Quality Care to Increase Positive Consumer Outcomes
- Reduce Disparities among ACF/AFoH Residents
- Plan within Scarcity of State Resources
- Facilitate Systemic Collaboration



# *Community Stakeholder Participation*

---

- 1) Workgroup Sessions*
- 2) Community Forums*
- 3) Regional Consumer Surveys*



# *Community Forum Format*



- Time-Limited & Deliverable-Focused
- Action Steps & Clear Recommendations
- Respect for All Attendees & Perspectives
- Multiple Options for Providing Feedback

## III. RSS Program Description

### *What is the RSS Program?*

The purpose of RSS is to provide cash assistance to medicaid-eligible aged, blind, or disabled adults who have increased needs due to a medical condition which is not severe enough to require institutionalization. The RSS cash payment is used together with the individual's personal income to help prevent premature or unnecessary institutionalization, and to deinstitutionalize those aged, blind, or disabled adults who have been inappropriately placed in long term care facilities and who can return to the community through alternative living arrangements.

# III. RSS Program Description

## *What is the RSS Program?*



- Financial assistance for adults with low incomes
- Have disabilities and/or are at least age 60, but do not require LTC at NF
- Accommodations, Supervision & Personal Care Services at Community Residences

# ***RSS Program Eligibility Criteria***

- Age 18 or older;
- Enrolled in Medicaid (not a waiver program);
- Receiving Social Security, SSI and/or SSDI; and
- Protective Level of Care (Presumed for individuals currently receiving treatment in a nursing home and planning for discharge).



# *Where Do RSS Consumers Live?*

- **OhioMHAS Licensed Facilities**
  - Adult Foster Homes (1 – 2 Residents)
  - Adult Care Facilities (ACF's)
    - Adult Family Homes (3 – 5 Residents)
    - Adult Group Homes (6 – 16 Residents)
- **ODH Licensed Facilities**
  - Residential Care Facilities/Assisted Living (17+ Residents)



# *RSS Consumers' Residence Types*

Adult Foster Homes  
20 Consumers (2%)

Adult Family Homes  
310 Consumers (26%)

RSS Consumers  
*1,210 Total*

Residential Care Facilities/  
Assisted Living  
261 Consumers (22%)

Adult Group Homes  
619 Consumers (51%)

# OhioMHAS Licensed Beds

## Licensed ACF's (Adult Family & Group) & AFoH's

5,325  
Total  
Beds

### Residents Not Enrolled in RSS

4,376  
Beds

82% of  
Total Beds

### Residents Enrolled in RSS

949 Beds

18% of Total  
Licensed Beds

# Allowable Fees

Living Arrangement Type	Monthly Allowable Fee
Adult Family Home	\$774
Adult Foster Home	\$774
Adult Group Home	\$877
Residential Care Facility/ Assisted Living	\$877

*\*Please note the above allowable fees include Accommodations, Supervision, and Personal Care Services as required by Ohio Administrative Code Chapter 5122-36. Home operators may charge ancillary fees permitting they are listed in the Resident Agreement and agreed to by the resident and/or legal guardian.*



## IV. ACF/AFoH Disparity Issues

### Two Types of Disparity Among ACF Residents

- 1) Among RSS & non-RSS Residents
- 2) Among Residents with RSS (between SSI Recipients and Social Security or SSDI)



# *Disparity Among RSS & Non-RSS Residents*

- Reside in Same Home, Have Similar Service Needs, Different Financial Resources
- Enrolled Per Eligibility Criteria of Administering Agency



# Disparity Among Residents with RSS

Comparison of RSS Residents' Personal Spending & Operators' Allowable Fee by Income Type

Example for Adult Group Home Resident (Current Allowable Fee is \$877)			Example for Adult Group Home Resident (Hypothetical Allowable Fee is \$1,000)		
	Unearned Income Type			Unearned Income Type	
	Social Security and/or SSDI	SSI		Social Security and/or SSDI	SSI
<b>Financial Need Standard</b> (Allowable Fee + \$50 Personal Needs Allowance)	\$927			\$1,050	
<b>Actual Income Amount</b>	\$600	\$710		\$600	\$710
<b>COLA Disregard</b>	\$20	\$417		\$20	\$417
<b>Income Amount per CRISE</b>	\$580	\$293		\$580	\$293
<b>RSS Benefit Amount</b>	\$347	\$634		\$470	\$757
<b>Actual Total Monthly Benefit Amount</b> (Unearned Income + RSS)	\$927	\$1,344		\$1,050	\$1,467
<b>Resident's Personal Spending Amount</b>	\$50	\$467		\$50	\$467
<b>Allowable Fee Received by Operator</b>	\$877			\$1,000	

\*The purpose of this chart is to demonstrate that regardless of changes to allowable fees, the disparities in personal spending among RSS recipients will remain the same. The hypothetical allowable fee is for example purposes only.

# *ACF/AFoH Incentive Program*

- Improve behavioral & physical health outcomes for all ACF/AFoH residents by incentivizing utilization of community resources, while increasing revenue for home operators
- Modest financial incentive to ACF/AFoH operators who facilitate the linkage of residents with local mental health and/or alcohol and other drug (AoD) providers according to their service needs.
- All participating operators must be licensed by OhioMHAS and in good standing with Office of Licensure & Certification

# ***ACF/AFoH Incentive Program***

## **Examples of MH and AOD Services & Supports**

- Case Management (ACT, CPST, AOD)
- Consumer-Operated Services (COS)
- Counseling/Psychotherapy
- Diagnosis & Assessment
- Health Home Services
- Medication Management
- Medication-Assisted Treatment (MAT)
- Non-Medicaid Services
- Partial Hospitalization/Day Treatment



# V. Feedback/Comment Period



- Time-Limited & Deliverable-Focused
- Action Steps & Clear Recommendations
- Respect for All Attendees & Perspectives
- Multiple Options for Providing Feedback

## *Contact Information*

- 1) Email: [RSS@mha.ohio.gov](mailto:RSS@mha.ohio.gov) or  
[ACF-AFoHIncentive@mha.ohio.gov](mailto:ACF-AFoHIncentive@mha.ohio.gov)
- 2) Fax: 614-485-9747
- 3) Mail: Ellie Jazi  
c/o OhioMHAS  
30 E. Broad St., 36<sup>th</sup> floor  
Columbus, OH 43215
- 4) Phone: 614-466-6783



# Helpful Links

## Webpages

<p>➤ RSS Legislative Review  <a href="http://mha.ohio.gov/Default.aspx?tabid=569">http://mha.ohio.gov/Default.aspx?tabid=569</a></p>	<p>➤ RSS Program  <a href="http://mha.ohio.gov/Default.aspx?tabid=201">http://mha.ohio.gov/Default.aspx?tabid=201</a></p>
<p>➤ ACF/AFoH Incentive Program  <a href="http://mha.ohio.gov/Default.aspx?tabid=572">http://mha.ohio.gov/Default.aspx?tabid=572</a></p>	

## Applicable Rules & Statutes

### Ohio Administrative Code Chapter 5122-36

*OhioMHAS – RSS Program*

<http://codes.ohio.gov/oac/5122-36>

### Ohio Administrative Code Chapter 5101:3-3-06

*Medicaid – Criteria for Protective Level of Care*

<http://codes.ohio.gov/oac/5101:3-3-06>

### Ohio Revised Code Sections 5119.41 and 5119.411

*OhioMHAS – RSS Program*

<http://codes.ohio.gov/orc/5119.41>

<http://codes.ohio.gov/orc/5119.411>

### Ohio Administrative Code Chapter 5101:1-17

*ODJFS/Medicaid – RSS Program*

<http://codes.ohio.gov/oac/5101%3A1-17>

### Ohio Administrative Code Chapter 5122-33 and 5122-35

*OhioMHAS – Licensure of ACF's and Adult Foster Homes*

<http://codes.ohio.gov/oac/5122-33>

<http://codes.ohio.gov/oac/5122-35>

### Social Security Act, Sec. 1616. [42 U.S.C. 1382e]

*SSA – Optional State Supplementation*

[http://www.ssa.gov/OP\\_Home/ssact/title16b/1616.htm](http://www.ssa.gov/OP_Home/ssact/title16b/1616.htm)