



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 193
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Barhorst and Lorenz [Click here for H.B. 193's Fiscal Note](#)

Jason Hoskins, Attorney

SUMMARY

- Exempts funds in an Achieving a Better Life Experience (ABLE) account from collection under the Ohio Medicaid Estate Recovery Program to the extent permitted under federal law.
- Requires the Treasurer of State to pay account fees associated with an ABLE account on behalf of an Ohio account owner or beneficiary.
- Appropriates \$900,000 in FY 2026 and FY 2027 to subsidize the costs associated with paying ABLE account fees.
- Exempts from the Public Records Law all information related to ABLE accounts that is obtained by the Treasurer of State.
- Authorizes members of the STABLE Account Program Advisory Board to attend board meetings and vote via interactive video conference or teleconference.

DETAILED ANALYSIS

ABLE accounts

Exemption from estate recovery

An Achieving a Better Life Experience (ABLE) account is a tax-exempt account created by the federal Internal Revenue Service (IRS), and established by the state, to help individuals with disabilities pay for the cost of qualified disability expenses. In Ohio, the program authorizing and overseeing ABLE accounts is administered by the Treasurer of State. The bill exempts funds in an ABLE account from the Ohio Medicaid Estate Recovery Program, to the extent permitted under

federal law.¹ The Medicaid Estate Recovery Program is a mechanism by which the state seeks to recoup funds spent on Medicaid services from the estates of certain deceased Medicaid recipients. Federal law requires states to recover the following amounts from an estate:²

- Expenses for nursing facility services, home and community-based services, and related hospital and prescription services, paid on behalf of a Medicaid recipient over age 55;
- All medical assistance paid on behalf of a Medicaid recipient receiving long-term services and supports in a facility permanently (referred to as “permanently institutionalized” individuals).

States may elect to apply estate recovery under additional circumstances, for example, by recovering all medical assistance paid on behalf of a Medicaid recipient over age 55, not just for nursing facility and associated expenses as described above. The Ohio Department of Medicaid has elected to exercise that option. Because federal law requires states to exercise Medicaid estate recovery for the amounts described above, despite the bill’s prohibition, it appears that ABLE accounts would remain recoverable under Ohio’s Medicaid Estate Recovery Program against certain individuals; however, the bill’s prohibition would apply regarding other individuals currently subject to Medicaid estate recovery by state option.

Account fees

Current law authorizes the Treasurer of State to impose and collect administrative fees and charges associated with an ABLE account. The bill requires the Treasurer of State to pay these account fees on behalf of an Ohio account owner or beneficiary.³ To subsidize the costs associated with paying these fees, the bill appropriates \$900,000 in FY 2026 and FY 2027 to be used for payment of those fees.

Exemption from public records

Additionally, the bill exempts any information obtained by the Treasurer of State related to an ABLE account from the Public Records Law,⁴ meaning that these records are not available to the public, by request or otherwise.⁵

STABLE Account Program Advisory Board meetings

Existing law establishes the STABLE Account Program Advisory Board, a nine-member advisory board tasked with overseeing the ABLE program.⁶ The bill creates an exception to the

¹ R.C. 113.53(G).

² 42 United States Code 1396p(b).

³ R.C. 113.51(C).

⁴ R.C. 113.53(H)(3).

⁵ R.C. 149.43, not in the bill.

⁶ R.C. 113.56(D).

Open Meetings Law⁷ by allowing the advisory board to hold a meeting by interactive video conference or teleconference. An advisory board member who attends a meeting by interactive video conference or teleconference is considered present in person at the meeting, may vote, and is counted for purposes of determining whether a quorum is present if:⁸

- The board establishes a primary meeting location that is open and accessible to the public;
- In the case of an interactive video conference, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member;
- In the case of a teleconference, the board causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member;
- All board members have the capability to receive meeting-related materials that are distributed during the board meeting;
- A roll call voice vote is recorded for each vote taken;
- The board meeting minutes identify which board members remotely attended the meeting;
- Each board member who attends a meeting remotely is subject to identity verification through a process established by the advisory board;
- Any member who plans to attend a meeting remotely gives notice to the board in accordance with any minimum requirements established by the board.

HISTORY

Action	Date
Introduced	03-24-25

ANHB0193IN-136/ts

⁷ R.C. 121.22, not in the bill.

⁸ R.C. 113.56(C)(2).