



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Bob Bennett

Sub. H.B. 119

132nd General Assembly
(As Passed by the General Assembly)

Reps. Henne and McColley, Retherford, Becker, Hambley, Roegner, Dean, Goodman, Seitz, Young, Schaffer, Vitale, Koehler, Thompson, Huffman, Ginter, Brenner, Greenspan, Brinkman, T. Johnson, Keller, Lang, Merrin, Perales, Reineke, Rezabek, Riedel, Romanchuk, Stein, Rosenberger

Sens. Burke, Coley, Eklund, Hackett, Hoagland, Huffman, Terhar, Wilson

Effective date: July 1, 2019, except provisions regarding the Board of Nursing's monitoring program effective March 20, 2019

ACT SUMMARY

Supplemental Nutrition Assistance Program

- Requires the Ohio Department of Job and Family Services (ODJFS) to accept applications, determine eligibility, and perform related administrative activities for the Supplemental Nutrition Assistance Program (SNAP).
- Permits ODJFS to assign these duties to any county department of job and family services.
- Requires ODJFS to verify certain information before certifying a household's eligibility for SNAP benefits.
- Exempts a household from the verification requirement if eligibility certification is being expedited.
- Requires ODJFS to require an applicant to verify the identity of the members of the applicant household before certifying eligibility for SNAP benefits.

* This version updates the effective date.

- Requires county departments, at least quarterly and as they receive information, to review and act on information that may affect eligibility.
- Requires ODJFS to refer suspected fraud for an administrative disqualification hearing, to a county prosecutor for investigation, or both.

Medical assistance programs

- Requires that certain information be verified when determining an applicant's eligibility for a medical assistance program administered by the Department of Medicaid.
- Requires each applicant for a medical assistance program to verify the applicant's identity as part of the eligibility determination.
- Requires the Department and other entities involved in determining eligibility to review information as they receive it to determine whether it may affect eligibility, and take appropriate action.
- Requires that a medical assistance program recipient suspected of Medicaid eligibility fraud or a similar offense be referred to a county prosecutor for investigation, for an administrative disqualification hearing, or both.

Multistate cooperatives

- Requires the Department of Medicaid and ODJFS to explore joining multistate cooperatives to identify individuals enrolled in public assistance programs in other states.

Board of Nursing's substance use disorder monitoring

- Replaces the term "chemical dependency" with the term "substance use disorder" in statutes governing the Board of Nursing's monitoring program for individuals who abuse alcohol or drugs.

CONTENT AND OPERATION

Supplemental Nutrition Assistance Program

The act establishes requirements for the administration of Ohio's participation in the federal food stamp program, which is now known as the Supplemental Nutrition Assistance Program (SNAP).¹ SNAP distributes food assistance benefits to eligible

¹ R.C. 5101.47(A)(1) and 5101.54(F) to (J).

households that have income of less than 130% of the federal poverty level and meet other eligibility requirements. The federal government pays the full cost of SNAP benefits and shares the cost of administering the program with the states. Eligibility rules and benefit levels are set by the federal government and are uniform across the nation, but states have some flexibility regarding program administration.²

Because SNAP is largely governed by federal law, few program administration requirements are included in the Ohio Revised Code. The act establishes specific requirements for administering the program and eligibility verification in Ohio.

Administration

Prior law *permitted* the Ohio Department of Job and Family Services (ODJFS) to accept applications, determine eligibility, and perform related administrative activities for SNAP. The act *requires* ODJFS to carry out these duties. It also expressly permits ODJFS to assign these duties to any county department of job and family services. Additionally, ODJFS is expressly permitted by the act, except as prohibited by federal law, to assign any of its duties governing SNAP administration to a county department.³ Continuing law already requires the county departments to (1) perform any duties assigned by ODJFS regarding the provision of public family services, (2) certify eligible households for SNAP, and (3) administer the distribution of SNAP benefits under ODJFS's supervision.⁴

Information and identity to be verified

The act requires ODJFS, in order to verify household eligibility as required by federal regulations and state law, to verify at least the following information before certifying SNAP benefits (except in expedited cases):

- (1) Household composition;
- (2) Identity;
- (3) Citizenship and alien eligibility status;
- (4) Social Security numbers;

² Center on Budget and Policy Priorities, *Policy Basics: Introduction to the Supplemental Nutrition Assistance Program (SNAP)* <http://www.cbpp.org/research/policy-basics-introduction-to-the-supplemental-nutrition-assistance-program-snap>.

³ R.C. 5101.47(A)(1) and 5101.54(J).

⁴ R.C. 329.04(A)(1) and 329.042, not in the act.



- (5) State residency status;
- (6) Disability status;
- (7) Gross nonexempt income;
- (8) Utility expenses;
- (9) Medical expenses;
- (10) Enrollment status in other state-administered public assistance programs;
- (11) Any available information related to potential identity fraud or identity theft.⁵

Continuing law requires that a household's eligibility for SNAP benefits be certified in an expedited process under certain circumstances. The act provides that there is no limit on how many times a household may receive expedited certification, as long as (1) all information the act requires to be verified was verified for the household at the last expedited certification or (2) the household's eligibility was certified under normal processing standards since the last expedited certification.⁶

Regarding obtaining the information, the act requires ODJFS to sign a memorandum of understanding with any department, agency, or division as needed. ODJFS may contract with independent vendors to provide the information. The act specifies that its provisions concerning information that must be reviewed do not prevent ODJFS or a county department from (1) receiving or reviewing additional information related to eligibility or (2) contracting with independent vendors to provide information in addition to that which the act requires.⁷

Under the act, ODJFS must require an applicant, or person acting on an applicant's behalf, to verify the identity of the members of the applicant household as part of the application process for public assistance and before certifying SNAP benefits. The verification must be done in a manner consistent with federal regulations.⁸

⁵ R.C. 5101.54(C) and (F)(1) and (2).

⁶ R.C. 5101.54(B).

⁷ R.C. 5101.54(F)(5).

⁸ R.C. 5101.54(F)(4).



Changes in circumstances

In accordance with federal law, current Ohio administrative rules specify reporting requirements for SNAP recipients concerning changes in circumstances.⁹ Separate from recipient reporting, the act requires county departments, as they receive information, to review and act on information that indicates a change in circumstances that may affect eligibility, to the extent the information is available to ODJFS. The reviews must be conducted at least quarterly and in a manner consistent with federal regulations.¹⁰

If ODJFS receives information concerning a household certified to receive SNAP benefits indicating a change in circumstances that may affect eligibility, it must take action in accordance with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and notifying the household of the right to a fair hearing.¹¹

Suspected fraud

If ODJFS suspects fraud, the act requires it to refer the case for an administrative disqualification hearing, to the county prosecutor for investigation, or both.¹²

Rules

ODJFS is required by the act to adopt rules to implement it. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119).¹³

Medical assistance programs

Information and identity to be verified

The Department of Medicaid administers the Medicaid program, the Children's Health Insurance Program (CHIP), and the Refugee Medical Assistance program, collectively referred to as medical assistance programs in state law.¹⁴ The act requires

⁹ Ohio Administrative Code 5101:4-7-01.

¹⁰ R.C. 5101.54(F)(3).

¹¹ R.C. 5101.54(G).

¹² R.C. 5101.54(H).

¹³ R.C. 5101.54(I).

¹⁴ R.C. 5160.01, not in the act.



that the following information about applicants for these programs be verified when determining eligibility:

- (1) Identity;
- (2) Citizenship and alien eligibility;
- (3) Social Security numbers;
- (4) State residency status;
- (5) Disability status;
- (6) Gross nonexempt income;
- (7) Household status;
- (8) Medical expenses;
- (9) Enrollment status in other state-administered public assistance programs.¹⁵

The Department must sign a memorandum of understanding with any department, agency, or division as needed to obtain the information that the act requires be verified. It may contract with one or more independent vendors to provide the information.¹⁶

Each applicant for a medical assistance program is required by the act to verify the applicant's identity as part of eligibility determination. If a person acts on an applicant's behalf in the process, the person must verify the applicant's identity.¹⁷

The act provides that it does not prevent the Department or an entity that accepts applications and makes eligibility determinations for medical assistance programs on its behalf from (1) receiving or reviewing information related to individuals' eligibility for a medical assistance program beyond the information that the act requires be verified or (2) contracting with independent vendors to provide additional information for that purpose.¹⁸

¹⁵ R.C. 5160.29(A).

¹⁶ R.C. 5160.29(C).

¹⁷ R.C. 5160.29(B).

¹⁸ R.C. 5160.293.



Changes in circumstances

The act gives the Department, and entities that accept applications and make eligibility determinations for medical assistance programs on its behalf, certain duties as the Department or entities receive available information that the act requires be verified. The Department and entities must review the information to determine whether it indicates a change in circumstances that may affect eligibility and take appropriate action. If the information indicates a change in circumstances that may affect a recipient's continued eligibility, the appropriate actions include verifying unclear information, providing written notice of a change or adverse action, and notifying the recipient of the right to appeal.¹⁹

Suspected fraud

The act requires that a medical assistance program recipient be referred for investigation to the county prosecutor, referred for an administrative disqualification hearing, or both, if a violation of the criminal offense of Medicaid eligibility fraud or a similar offense is suspected in the process of determining or redetermining the recipient's eligibility.²⁰

Multistate cooperatives

Continuing law requires the Department of Medicaid to enter into agreements with the U.S. Department of Health and Human Services and neighboring states to participate in the Public Assistance Reporting Information System. The act requires the Department also to explore joining other multistate cooperatives, such as the National Accuracy Clearinghouse, to identify individuals enrolled in public assistance programs in other states. ODJFS is also required by the act to explore this. The act permits the Department of Medicaid to disclose information regarding a medical assistance program recipient to the extent necessary to participate in another multistate cooperative. The Department has that authority under continuing law regarding the Public Assistance Reporting Information System.²¹

Board of Nursing's substance use disorder monitoring

The Board of Nursing has ongoing statutory authority to abstain from taking disciplinary action against an individual regulated by the Board who has a drug-related condition, if the Board finds that the individual can be treated effectively and there is no

¹⁹ R.C. 5160.291.

²⁰ R.C. 5160.292.

²¹ R.C. 5101.54(F)(6) and R.C. 5160.47.



impairment of the individual's ability to practice according to acceptable and prevailing standards of safe care. The Board must establish a program to monitor those individuals.

Prior law referred to a drug-related problem as a "chemical dependency." The act instead uses the term "substance use disorder" and provides for the new term to have the same meaning that "chemical dependency" had under prior law: (1) the chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others or (2) the use of a controlled substance, harmful intoxicant, or dangerous drug to the extent that the user becomes physically or psychologically dependent on the substance, intoxicant, or drug and endangers the user's health, safety, or welfare or that of others.²² The new term reflects updates to the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-5).

HISTORY

ACTION	DATE
Introduced	03-08-17
Reported, H. Community & Family Advancement	10-26-17
Passed House (80-14)	11-01-17
Reported, S. Health, Human Services & Medicaid	12-12-18
Passed Senate (23-9)	12-12-18
House concurred in Senate amendments (65-20)	12-13-18

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²² R.C. 4723.35 (primary), 4723.06, and 4723.28.

