



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Audra Tidball

S.B. 96

132nd General Assembly
(As Introduced)

Sens. Coley, Huffman, Hite

BILL SUMMARY

Food assistance eligibility and program administration

- Requires the Ohio Department of Job and Family Services (ODJFS) to verify eligibility for the federal food stamp program (now known as the Supplemental Nutrition Assistance Program (SNAP)), including verification of financial, employment, and residency information, and information related to identity fraud and identity theft.
- Requires SNAP applicants to complete an identity authentication process that includes a knowledge-based quiz of personal and financial questions.
- Requires ODJFS to verify, on a quarterly basis, eligibility information for individuals receiving benefits to determine if there has been a change in circumstances that may affect eligibility.
- Requires ODJFS to complete reports detailing the impact of the bill's eligibility verification requirements.

Medicaid eligibility and program administration

- Requires the Ohio Department of Medicaid, in administering the Medicaid program, to comply with the eligibility verification and review requirements the bill imposes for SNAP, including the requirement to complete reports.

CONTENT AND OPERATION

Food assistance eligibility and program administration

The bill establishes in statute requirements for 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 individuals and families who 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 bill establishes specific requirements for eligibility verification and administration of the program in Ohio.

Eligibility verification

The bill requires the Ohio Department of Job and Family Services (ODJFS) to accept applications, determine and re-determine eligibility, and perform related administrative activities for SNAP.³ It specifically requires ODJFS to verify at least the following information before awarding SNAP benefits:

- (1) Earned and unearned income;
- (2) Employment status and changes in employment;
- (3) Immigration status;
- (4) State residency status, including information from a nationwide best-address source;
- (5) Enrollment status in other state-administered public assistance programs both within and outside Ohio;

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

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).



- (6) Financial resources;
- (7) Lottery winnings;
- (8) Incarceration status;
- (9) Death records;
- (10) Any available information related to potential identity fraud or identity theft.⁴

Regarding obtaining the information, the bill requires ODJFS to sign a memorandum of understanding with any department or agency as needed. ODJFS may contract with independent vendors to provide the information so long as any contract establishes annualized savings that exceed the contract's total annual cost to the state. The bill specifies that its provisions concerning information that must be reviewed do not prohibit reviewing additional information related to eligibility or contracting with independent vendors to provide information in addition to that which the bill requires.⁵

The bill requires ODJFS to explore joining a multi-state cooperative, such as the National Accuracy Clearinghouse, to identify individuals enrolled in public assistance programs outside of Ohio.⁶

Identity quiz

The bill requires the application process to include an identity authentication process to confirm that the applicant owns the identity presented in the application. The process must include a knowledge-based quiz of personal and financial questions, to the extent that financial questions are possible based on applicant finances and established credit history. The quiz must attempt to accommodate nonbanked or under-banked applicants. The quiz must be available in-person, over the telephone, and online.⁷

⁴ R.C. 5101.54(C) and (F)(1).

⁵ R.C. 5101.54(F)(4).

⁶ R.C. 5101.54(F)(5).

⁷ R.C. 5101.54(F)(3).

Changes in circumstances

In accordance with federal law, current Ohio administrative rules specify reporting requirements for SNAP recipients concerning changes in circumstances.⁸ Separate from recipient reporting, the bill requires ODJFS to conduct quarterly reviews from available sources of the income, employment, residency, and other information identified above that must be reviewed at the time of an initial application.⁹

When ODJFS receives information that indicates a change in a recipient's circumstances that may affect eligibility, it must review the recipient's case. If the review does not result in a finding of a discrepancy or change in circumstances that may affect eligibility, ODJFS is to take no further action.¹⁰

If the review results in a finding of a discrepancy or change that may affect eligibility, ODJFS must promptly re-determine eligibility and afford an opportunity to respond in accordance with the bill (discussed below). If the applicant or recipient does not respond to ODJFS's notice, it must deny the application or discontinue benefits, as applicable, until the discrepancy has been resolved and notify the applicant or recipient.

ODJFS must re-investigate if the applicant or recipient responds to the notice and disagrees with ODJFS's findings of a discrepancy or change. ODJFS must take immediate action to correct any error it finds. If ODJFS finds that it did not make an error, it must determine the effect on the applicant's or recipient's case, take appropriate action, and notify the applicant or recipient.

ODJFS must also determine the effect on the applicant's or recipient's case, take appropriate action, and notify the applicant or recipient if the applicant or recipient responds to the notice and agrees with ODJFS's findings.¹¹

Notice requirements

The bill prohibits ODJFS from denying an application or discontinuing benefits due to a discrepancy or change in circumstances until the applicant or recipient has been provided written notice. The notice must describe the circumstances of the discrepancy or change, how the individual may respond, and the consequences of failing to respond.

⁸ Ohio Administrative Code 5101:4-7-01.

⁹ R.C. 5101.54(F)(2).

¹⁰ R.C. 5101.54(G)(1).

¹¹ R.C. 5101.54(G)(2).



The applicant or recipient must be given ten business days to respond, unless state or federal law requires additional time. The response must be in writing and cannot include self-declarations as verification. ODJFS may request additional information after receiving a response if it determines there is a risk of fraud or misrepresentation or that the documentation is inadequate.¹²

Suspected fraud

If ODJFS suspects fraud, the bill requires it to refer the case for investigation to the county prosecutor of the county in which the applicant or recipient resides.¹³

Report

The bill requires, six months after it takes effect and annually thereafter, that ODJFS complete a report detailing the impact of the bill's verification requirements. The report must include at least the following:

- (1) The number of cases reviewed;
- (2) The number of cases closed;
- (3) The number of fraud investigation referrals to county prosecutors;
- (4) The amount of savings and cost avoidance resulting from the requirements.

The report must be submitted to the Governor, the Attorney General, and the General Assembly.¹⁴

Rules

ODJFS is required by the bill to adopt rules to implement it. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119).¹⁵

Medicaid eligibility and program administration

The bill requires the Ohio Department of Medicaid to comply with the eligibility verification requirements discussed above to the extent those requirements can be

¹² R.C. 5101.54(H).

¹³ R.C. 5101.54(I).

¹⁴ R.C. 5101.54(J).

¹⁵ R.C. 5101.54(K).

applied to the Medicaid program.¹⁶ The Department must also complete a report six months after the bill takes effect and annually thereafter with the same information required for SNAP. The report must be submitted to the Governor, the Attorney General, and the General Assembly.¹⁷

HISTORY

ACTION	DATE
Introduced	03-08-17

S0096-I-132.docx/ks

¹⁶ R.C. 5163.04.

¹⁷ R.C. 5162.137.

