



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 340

132nd General Assembly
(As Introduced)

Reps. Young, Becker, Dean, Hambley, Hill, Seitz

BILL SUMMARY

- Requires the Department of Job and Family Services, Department of Medicaid, county departments of job and family services, public children services agencies, and Medicaid managed care organizations to release information about assistance recipients to entities administering assistance programs.
 - Requires each employee who releases information to complete a form agreeing to do so only in accordance with state law.
 - Enhances criminal penalties for the improper use or disclosure of information about assistance recipients.
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CONTENT AND OPERATION

While current Ohio law generally prohibits the use or disclosure of information about applicants for and recipients of public and medical assistance programs, it does allow the Ohio Department of Job and Family Services (ODJFS), the Ohio Department of Medicaid (ODM), county departments of job and family services, and public children services agencies to release information in certain circumstances.¹ The bill makes five main changes to this law, including requiring – rather than just permitting – ODJFS, county departments of job and family services, public children services agencies, ODM, and Medicaid managed care organizations to disclose information about applicants and recipients to entities administering federal or state assistance programs.

¹ R.C. 5101.27, 5101.99, 5160.45, 5160.46, and 5160.99.

Required disclosure; Medicaid managed care

First, where existing law authorizes ODJFS, a county department of job and family services, or a public children services agency to disclose information about public assistance applicants and recipients to specified entities, the bill instead *requires* them to do so. The bill also requires ODM and Medicaid managed care organizations to disclose to those same entities information about medical assistance applicants and recipients.²

At present, ODJFS, county departments of job and family services, and public children services agencies may release information about public assistance applicants and recipients under the following circumstances: (1) to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need, (2) to a government entity responsible for administering a children's protective services program, or (3) if authorized to do so by the applicant or recipient.³ Under the bill, ODJFS, county departments, and public children services agencies are required, not just authorized, to disclose information to the above entities and programs.⁴

Existing law also requires ODJFS, county departments, and public children services agencies to release information about a public assistance applicant or recipient to a government entity responsible for administering that public assistance program for purposes directly connected to the program's administration. Similarly, ODM must release information about a medical assistance applicant or recipient for the following purposes directly connected to the program's administration: payment, treatment, or any administrative function or duty.⁵ The bill maintains both of these requirements, and, in the case of information regarding medical assistance recipients or applicants, extends the requirement to include disclosure by Medicaid managed care organizations.⁶

The bill also maintains the ODM's authority to disclose information regarding a medical assistance recipient to certain individuals or entities, including the following: courts; recipients and applicants or their representatives, legal guardians, or attorneys;

² R.C. 5101.27(B), 5160.45(D), and 5167.15.

³ R.C. 5101.27(D).

⁴ R.C. 5101.27.

⁵ R.C. 5160.45.

⁶ R.C. 5167.15.



and authorized recipients of electronic medical records.⁷ The bill gives the same disclosure authority to Medicaid managed care organizations.⁸

Cross-sharing of public assistance and medical assistance information

Second, the bill requires information about public assistance applicants and recipients to be disclosed to government entities administering medical assistance programs, while also requiring that information about medical assistance applicants and recipients be shared with government entities administering public assistance programs.⁹ Current law does not allow for this information to be disclosed across the two types of assistance programs.

Employee forms regarding proper disclosure

Third, the bill requires each employee of ODJFS, ODM, a county department of job and family services, a public children services agency, or a Medicaid managed care organization who provides or releases information about assistance recipients or applicants as required or permitted by the bill to complete a form whereby the employee agrees to do so only in accordance with state law, as modified by the bill.¹⁰ Under the bill, the form is to be developed by the Departments in consultation with county departments of job and family services and public children services agencies.

Prohibition on improper disclosure

Mental state

Fourth, the bill specifies a culpable mental state for the existing prohibition on the use or disclosure of information. Ohio law prohibits the disclosure or use of information regarding a public assistance or medical assistance applicant or recipient for any purpose not directly connected with the administration of a public assistance or medical assistance program, except in specified circumstances.¹¹ Under the bill, a person or government entity is prohibited from *knowingly* disclosing or using the information.

Current law provides that a person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a

⁷ R.C. 5160.45(E).

⁸ R.C. 5167.15.

⁹ R.C. 5101.27(B) and 5160.45(D).

¹⁰ R.C. 5101.271, 5160.451, and 5167.15.

¹¹ R.C. 5101.27(A) and 5160.45(B).



certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that those circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.¹²

Enhanced penalties

Finally, the bill establishes enhanced criminal penalties for subsequent violations of the law prohibiting the disclosure or use of information concerning assistance recipients and applicants. Under existing law,¹³ a person who violates the law is guilty of a first degree misdemeanor, which carries a jail term of not more than 180 days and fine of not more than \$1,000.¹⁴ The bill maintains the same penalty for a first offense, but provides that on each subsequent offense, the person is guilty of a fifth degree felony, which carries a jail term of at least six but not more than 12 months and a fine of not more than \$2,500.¹⁵

Definitions

"Public assistance" means financial assistance or social services provided under a program administered by ODJFS, a county department of job and family services, or public children services agency, but does not include medical assistance provided under a medical assistance program.¹⁶

"Medical assistance program" means the Medicaid program, Children's Health Insurance program, Refugee Medical Assistance program, or any other program that provides medical assistance and that state law authorizes ODM to administer.¹⁷

¹² R.C. 2901.22(B).

¹³ R.C. 5101.99(B) and 5160.99.

¹⁴ R.C. 2929.24 and 2929.28.

¹⁵ R.C. 2929.14 and 2929.18.

¹⁶ R.C. 5101.26.

¹⁷ R.C. 5160.01.



HISTORY

ACTION

DATE

Introduced

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