

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 119

Representatives Henne, McColley

Cosponsors: Representatives Retherford, Becker, Hambley, Roegner, Dean, Goodman, Seitz, Young, Schaffer, Vitale, Koehler, Thompson, Huffman, Ginter, Brenner, Greenspan, Brinkman, Johnson, Keller, Lang, Merrin, Perales, Reineke, Rezabek, Riedel, Romanchuk, Stein, Speaker Rosenberger

A BILL

To amend sections 5101.47, 5101.54, and 5160.47 and 1
to enact sections 5160.29, 5160.291, 5160.292, 2
and 5160.293 of the Revised Code regarding 3
eligibility and benefits under the Supplemental 4
Nutrition Assistance program and the Medicaid 5
program. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5101.47, 5101.54, and 5160.47 be 7
amended and sections 5160.29, 5160.291, 5160.292, and 5160.293 8
of the Revised Code be enacted to read as follows: 9

Sec. 5101.47. (A) Except as provided in divisions (B) and 10
(C) of this section, both of the following apply to the 11
department of job and family services: 12

(1) The department shall accept applications, determine 13
eligibility, redetermine eligibility, and perform related 14
administrative activities for the supplemental nutrition 15
assistance program administered by the department pursuant to 16

section 5101.54 of the Revised Code. 17

The department may assign the duties described in division 18
(A) (1) of this section to any county department of job and 19
family services. 20

(2) The department may accept applications, determine 21
eligibility, redetermine eligibility, and perform related 22
administrative activities for one or more of the following: 23

~~(1) (a)~~ Publicly funded child care provided under Chapter 24
5104. of the Revised Code; 25

~~(2) The supplemental nutrition assistance program~~ 26
~~administered by the department pursuant to section 5101.54 of~~ 27
~~the Revised Code;~~ 28

~~(3) (b)~~ Other programs administered by the department that 29
the director of job and family services determines are 30
supportive of children, adults, or families; 31

~~(4) (c)~~ Other programs administered by the department 32
regarding which the director determines administrative cost 33
savings and efficiency may be achieved through the department 34
accepting applications, determining eligibility, redetermining 35
eligibility, or performing related administrative activities. 36

(B) If federal law requires a face-to-face interview to 37
complete an eligibility determination for a program specified in 38
or pursuant to division (A) of this section, the face-to-face 39
interview shall not be conducted by the department of job and 40
family services. 41

(C) Subject to division (B) of this section, if the 42
department is required or elects to accept applications, 43
determine eligibility, redetermine eligibility, and perform 44

related administrative activities for a program specified in or 45
pursuant to division (A) of this section, both of the following 46
apply: 47

(1) An individual seeking services under the program may 48
apply for the program to the department or to the entity that 49
state law governing the program authorizes to accept 50
applications for the program. 51

(2) The department is subject to federal statutes and 52
regulations and state statutes and rules that require, permit, 53
or prohibit an action regarding accepting applications, 54
determining or redetermining eligibility, and performing related 55
administrative activities for the program. 56

(D) The director may adopt rules as necessary to implement 57
this section. 58

Sec. 5101.54. (A) The director of job and family services 59
shall administer the supplemental nutrition assistance program 60
in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 61
2011 et seq.). The department of job and family services may: 62

(1) Prepare and submit to the secretary of the United 63
States department of agriculture a plan for the administration 64
of the supplemental nutrition assistance program; 65

(2) Prescribe forms for applications, certificates, 66
reports, records, and accounts of county departments of job and 67
family services, and other matters; 68

(3) Require such reports and information from each county 69
department of job and family services as may be necessary and 70
advisable; 71

(4) Administer and expend any sums appropriated by the 72

general assembly for the purposes of the supplemental nutrition 73
assistance program and all sums paid to the state by the United 74
States as authorized by the Food and Nutrition Act of 2008; 75

(5) Conduct such investigations as are necessary; 76

(6) Enter into interagency agreements and cooperate with 77
investigations conducted by the department of public safety, 78
including providing information for investigative purposes, 79
exchanging property and records, passing through federal 80
financial participation, modifying any agreements with the 81
United States department of agriculture, providing for the 82
supply, security, and accounting of supplemental nutrition 83
assistance program benefits for investigative purposes, and 84
meeting any other requirements necessary for the detection and 85
deterrence of illegal activities in the supplemental nutrition 86
assistance program; 87

(7) Adopt rules in accordance with Chapter 119. of the 88
Revised Code governing employment and training requirements of 89
recipients of supplemental nutrition assistance program 90
benefits, including rules specifying which recipients are 91
subject to the requirements and establishing sanctions for 92
failure to satisfy the requirements. The rules shall be 93
consistent with 7 U.S.C. 2015, including its work and employment 94
and training requirements, and, to the extent practicable, shall 95
provide for the recipients to participate in work activities, 96
developmental activities, and alternative work activities 97
described in sections 5107.40 to 5107.69 of the Revised Code 98
that are comparable to programs authorized by 7 U.S.C. 2015(d) 99
(4). The rules may reference rules adopted under section 5107.05 100
of the Revised Code governing work activities, developmental 101
activities, and alternative work activities described in 102

sections 5107.40 to 5107.69 of the Revised Code.	103
(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, as amended, and the regulations adopted thereunder, <u>and this section</u> governing the following:	104
	105
	106
	107
(a) Eligibility requirements for the supplemental nutrition assistance program;	108
	109
(b) Sanctions for failure to comply with eligibility requirements;	110
	111
(c) Allotment of supplemental nutrition assistance program benefits;	112
	113
(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A) (7) of this section receive the benefits after satisfying the requirements;	114
	115
	116
	117
	118
	119
(e) Administration of the program by county departments of job and family services;	120
	121
(f) Other requirements necessary for the efficient administration of the program.	122
	123
(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance program in the case of households receiving supplemental	124
	125
	126
	127
	128
	129
	130

nutrition assistance program benefits and participating in Ohio 131
works first. 132

(B) A household that is entitled to receive supplemental 133
nutrition assistance program benefits and that is determined to 134
be in immediate need of nutrition assistance, shall receive 135
certification of eligibility for program benefits, pending 136
verification, within twenty-four hours, or, if mitigating 137
circumstances occur, within seventy-two hours, after 138
application, if: 139

(1) The results of the application interview indicate that 140
the household will be eligible upon full verification; 141

(2) Information sufficient to confirm the statements in 142
the application has been obtained from at least one additional 143
source, not a member of the applicant's household. Such 144
information shall be recorded in the case file, and shall 145
include: 146

(a) The name of the person who provided the name of the 147
information source; 148

(b) The name and address of the information source; 149

(c) A summary of the information obtained. 150

The period of temporary eligibility shall not exceed one 151
month from the date of certification of temporary eligibility. 152
If eligibility is established by full verification, benefits 153
shall continue without interruption as long as eligibility 154
continues. 155

There is no limit on the number of times a household may 156
receive expedited certification of eligibility under this 157
division as long as before each expedited certification all of 158

the information identified in division (F)(1) of this section 159
was verified for the household at the last expedited 160
certification or the household's eligibility was certified under 161
normal processing standards since the last expedited 162
certification. 163

At the time of application, the county department of job 164
and family services shall provide to a household described in 165
this division a list of community assistance programs that 166
provide emergency food. 167

(C) Before certifying supplemental nutrition assistance 168
program benefits, the department shall verify the eligibility of 169
each household in accordance with division (F) of this section. 170
All applications shall be approved or denied through full 171
verification within thirty days from receipt of the application 172
by the county department of job and family services. 173

(D) Nothing in this section shall be construed to prohibit 174
the certification of households that qualify under federal 175
regulations to receive supplemental nutrition assistance program 176
benefits without charge under the Food and Nutrition Act of 177
2008. 178

(E) Any person who applies for the supplemental nutrition 179
assistance program shall receive a voter registration 180
application under section 3503.10 of the Revised Code. 181

(F)(1) In order to verify household eligibility as 182
required by federal regulations and this section, the department 183
shall, except as provided in division (F)(2) of this section, 184
verify at least the following information before certifying 185
supplemental nutrition assistance program benefits: 186

(a) Household composition; 187

<u>(b) Identity;</u>	188
<u>(c) Citizenship and alien eligibility status;</u>	189
<u>(d) Social security numbers;</u>	190
<u>(e) State residency status;</u>	191
<u>(f) Disability status;</u>	192
<u>(g) Gross nonexempt income;</u>	193
<u>(h) Utility expenses;</u>	194
<u>(i) Medical expenses;</u>	195
<u>(j) Enrollment status in other state-administered public assistance programs within and outside this state;</u>	196 197
<u>(k) Any available information related to potential identity fraud or identity theft.</u>	198 199
<u>(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F) (1) of this section is verified if the household's certification is being expedited under division (B) of this section.</u>	200 201 202 203 204
<u>(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F) (1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department.</u>	205 206 207 208 209 210 211
<u>(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the</u>	212 213 214

department shall require an applicant, or a person acting on the 215
applicant's behalf, to verify the identity of the members of the 216
applicant household. 217

(5) (a) The department shall sign a memorandum of 218
understanding with any department, agency, or division as needed 219
to obtain the information identified in division (F) (1) of this 220
section. 221

(b) The department may contract with one or more 222
independent vendors to provide the information identified in 223
division (F) (1) of this section. 224

(c) Nothing in this section prevents the department or a 225
county department of job and family services from receiving or 226
reviewing additional information related to eligibility not 227
identified in this section or from contracting with one or more 228
independent vendors to provide additional information not 229
identified in this section. 230

(6) The department shall explore joining a multistate 231
cooperative, such as the national accuracy clearinghouse, to 232
identify individuals enrolled in public assistance programs 233
outside of this state. 234

(G) If the department receives information concerning a 235
household certified to receive supplemental nutrition assistance 236
program benefits that indicates a change in circumstances that 237
may affect eligibility, the department shall take action in 238
accordance with federal regulations, including verifying unclear 239
information, providing prior written notice of a change or 240
adverse action, and notifying the household of the right to a 241
fair hearing. 242

(H) In the case of suspected fraud, the department shall 243

refer the case for an administrative disqualification hearing or 244
to the county prosecutor of the county in which the applicant or 245
recipient resides for investigation, or both. 246

(I) The department shall adopt rules in accordance with 247
Chapter 119. of the Revised Code to implement divisions (F) to 248
(H) of this section. 249

(J) Except as prohibited by federal law, the department 250
may assign any of the duties described in this section to any 251
county department of job and family services. 252

Sec. 5160.29. (A) As part of the process of determining an 253
individual's eligibility for a medical assistance program, at 254
least all of the following information about the individual 255
shall be verified: 256

(1) Identity; 257

(2) Citizenship and alien eligibility; 258

(3) Social security number; 259

(4) State residency status; 260

(5) Disability status; 261

(6) Gross nonexempt income; 262

(7) Household status; 263

(8) Medical expenses; 264

(9) Enrollment status in other state-administered public 265
assistance programs within and outside the state. 266

(B) As part of the process of determining an individual's 267
eligibility for a medical assistance program, each applicant, or 268
a person acting on the applicant's behalf, shall verify the 269

applicant's identity. 270

(C) (1) The department of medicaid shall sign a memorandum 271
of understanding with any department, agency, or division as 272
needed to obtain the information specified in division (A) of 273
this section. 274

(2) The department may contract with one or more 275
independent vendors to provide the information identified in 276
division (A) of this section. 277

Sec. 5160.291. (A) (1) As information described in division 278
(A) of section 5160.29 of the Revised Code is received by the 279
department of medicaid or an entity with which the department 280
has entered into an agreement under section 5160.30 of the 281
Revised Code, the department or entity shall do both of the 282
following on at least a quarterly basis and in accordance with 283
federal regulations: 284

(a) Review the information to determine whether it 285
indicates a change in circumstances that may affect eligibility 286
for a medical assistance program; 287

(b) Take appropriate action. 288

(2) Division (A) (1) of this section applies only to the 289
extent information described in division (A) of section 5160.29 290
of the Revised Code is available to the department or entity. 291

(B) If the department of medicaid or an entity with which 292
the department has entered into an agreement under section 293
5160.30 of the Revised Code receives information concerning a 294
medical assistance recipient that indicates a change in 295
circumstances that may affect the recipient's continued 296
eligibility for the medical assistance program in which the 297
recipient is enrolled, the department or entity shall take 298

appropriate action, including verifying unclear information, 299
providing prior written notice of a change or adverse action, 300
and notifying the recipient of the right to appeal under section 301
5160.31 of the Revised Code. 302

Sec. 5160.292. If a violation of section 2913.401 of the 303
Revised Code or a similar offense is suspected in the process of 304
determining or redetermining a medical assistance recipient's 305
eligibility, the case shall be referred for investigation to the 306
county prosecutor of the county in which the medical assistance 307
recipient resides, referred for an administrative 308
disqualification hearing, or both. 309

Sec. 5160.293. Nothing in sections 5160.29 to 5160.292 of 310
the Revised Code prevents the department of medicaid or any 311
entity with which the department has entered into an agreement 312
under section 5160.30 of the Revised Code from doing either of 313
the following: 314

(A) Receiving or reviewing information related to 315
individuals' eligibility for a medical assistance program beyond 316
the information specified in division (A) of section 5160.29 of 317
the Revised Code; 318

(B) Contracting with one or more independent vendors to 319
provide such additional information for such purpose. 320

Sec. 5160.47. (A) The department of medicaid shall ~~enter~~ 321
do both of the following: 322

(1) Enter into any necessary agreements with the United 323
States department of health and human services and neighboring 324
states to join and participate as an active member in the public 325
assistance reporting information system; 326

(2) Explore joining other multistate cooperatives, such as 327

the national accuracy clearinghouse, to identify individuals 328
enrolled in public assistance programs outside of this state. 329
~~The~~ 330

(B) The department may disclose information regarding a 331
medical assistance recipient to the extent necessary to 332
participate as an active member in the public assistance 333
reporting information system or other multistate cooperative. 334

Section 2. That existing sections 5101.47, 5101.54, and 335
5160.47 of the Revised Code are hereby repealed. 336

Section 3. Sections 1 and 2 of this act shall take effect 337
on July 1, 2018. 338