

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 96**

**Senator Coley**

**Cosponsors: Senators Huffman, Hite**

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**A BILL**

To amend sections 5101.47 and 5101.54 and to enact 1  
sections 5162.137 and 5163.04 of the Revised 2  
Code regarding eligibility and benefits under 3  
the Supplemental Nutrition Assistance program 4  
and the Medicaid program. 5

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

**Section 1.** That sections 5101.47 and 5101.54 be amended 6  
and sections 5162.137 and 5163.04 of the Revised Code be enacted 7  
to read as follows: 8

**Sec. 5101.47.** (A) Except as provided in divisions (B) and 9  
(C) of this section, both of the following apply to the 10  
department of job and family services: 11

(1) The department shall accept applications, determine 12  
eligibility, redetermine eligibility, and perform related 13  
administrative activities for the supplemental nutrition 14  
assistance program administered by the department pursuant to 15  
section 5101.54 of the Revised Code. 16

(2) The department may accept applications, determine 17  
eligibility, redetermine eligibility, and perform related 18

administrative activities for one or more of the following:	19
<del>(1)</del> <u>(a)</u> Publicly funded child care provided under Chapter 5104. of the Revised Code;	20 21
<del>(2)</del> <del>The supplemental nutrition assistance program administered by the department pursuant to section 5101.54 of the Revised Code;</del>	22 23 24
<del>(3)</del> <u>(b)</u> Other programs administered by the department that the director of job and family services determines are supportive of children, adults, or families;	25 26 27
<del>(4)</del> <u>(c)</u> Other programs administered by the department regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities.	28 29 30 31 32
(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services.	33 34 35 36 37
(C) Subject to division (B) of this section, if the department <u>is required or</u> elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:	38 39 40 41 42 43
(1) An individual seeking services under the program may apply for the program to the department or to the entity that state law governing the program authorizes to accept applications for the program.	44 45 46 47

(2) The department is subject to federal statutes and 48  
regulations and state statutes and rules that require, permit, 49  
or prohibit an action regarding accepting applications, 50  
determining or redetermining eligibility, and performing related 51  
administrative activities for the program. 52

(D) The director may adopt rules as necessary to implement 53  
this section. 54

**Sec. 5101.54.** (A) The director of job and family services 55  
shall administer the supplemental nutrition assistance program 56  
in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 57  
2011 et seq.). The department of job and family services may: 58

(1) Prepare and submit to the secretary of the United 59  
States department of agriculture a plan for the administration 60  
of the supplemental nutrition assistance program; 61

(2) Prescribe forms for applications, certificates, 62  
reports, records, and accounts of county departments of job and 63  
family services, and other matters; 64

(3) Require such reports and information from each county 65  
department of job and family services as may be necessary and 66  
advisable; 67

(4) Administer and expend any sums appropriated by the 68  
general assembly for the purposes of the supplemental nutrition 69  
assistance program and all sums paid to the state by the United 70  
States as authorized by the Food and Nutrition Act of 2008; 71

(5) Conduct such investigations as are necessary; 72

(6) Enter into interagency agreements and cooperate with 73  
investigations conducted by the department of public safety, 74  
including providing information for investigative purposes, 75

exchanging property and records, passing through federal 76  
financial participation, modifying any agreements with the 77  
United States department of agriculture, providing for the 78  
supply, security, and accounting of supplemental nutrition 79  
assistance program benefits for investigative purposes, and 80  
meeting any other requirements necessary for the detection and 81  
deterrence of illegal activities in the supplemental nutrition 82  
assistance program; 83

(7) Adopt rules in accordance with Chapter 119. of the 84  
Revised Code governing employment and training requirements of 85  
recipients of supplemental nutrition assistance program 86  
benefits, including rules specifying which recipients are 87  
subject to the requirements and establishing sanctions for 88  
failure to satisfy the requirements. The rules shall be 89  
consistent with 7 U.S.C. 2015, including its work and employment 90  
and training requirements, and, to the extent practicable, shall 91  
provide for the recipients to participate in work activities, 92  
developmental activities, and alternative work activities 93  
described in sections 5107.40 to 5107.69 of the Revised Code 94  
that are comparable to programs authorized by 7 U.S.C. 2015(d) 95  
(4). The rules may reference rules adopted under section 5107.05 96  
of the Revised Code governing work activities, developmental 97  
activities, and alternative work activities described in 98  
sections 5107.40 to 5107.69 of the Revised Code. 99

(8) Adopt rules in accordance with section 111.15 of the 100  
Revised Code that are consistent with the Food and Nutrition Act 101  
of 2008, ~~as amended, and the~~ regulations adopted thereunder, and  
this section governing the following: 102  
103

(a) Eligibility requirements for the supplemental 104  
nutrition assistance program; 105

(b) Sanctions for failure to comply with eligibility requirements;	106 107
(c) Allotment of supplemental nutrition assistance program benefits;	108 109
(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;	110 111 112 113 114 115
(e) Administration of the program by county departments of job and family services;	116 117
(f) Other requirements necessary for the efficient administration of the program.	118 119
(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 nutrition assistance program benefits and participating in Ohio works first.	120 121 122 123 124 125 126 127 128
(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance, shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after	129 130 131 132 133 134

application, if: 135

(1) The results of the application interview indicate that 136  
the household will be eligible upon full verification; 137

(2) Information sufficient to confirm the statements in 138  
the application has been obtained from at least one additional 139  
source, not a member of the applicant's household. Such 140  
information shall be recorded in the case file, and shall 141  
include: 142

(a) The name of the person who provided the name of the 143  
information source; 144

(b) The name and address of the information source; 145

(c) A summary of the information obtained. 146

The period of temporary eligibility shall not exceed one 147  
month from the date of certification of temporary eligibility. 148  
If eligibility is established by full verification, benefits 149  
shall continue without interruption as long as eligibility 150  
continues. 151

At the time of application, the county department of job 152  
and family services shall provide to a household described in 153  
this division a list of community assistance programs that 154  
provide emergency food. 155

(C) Before awarding assistance under the supplemental 156  
nutrition assistance program, the department shall verify the 157  
eligibility of each applicant in accordance with division (F) of 158  
this section. All applications shall be approved or denied 159  
through full verification within thirty days from receipt of the 160  
application by the county department of job and family services. 161

(D) Nothing in this section shall be construed to prohibit 162

the certification of households that qualify under federal 163  
regulations to receive supplemental nutrition assistance program 164  
benefits without charge under the Food and Nutrition Act of 165  
2008. 166

(E) Any person who applies for the supplemental nutrition 167  
assistance program shall receive a voter registration 168  
application under section 3503.10 of the Revised Code. 169

(F) (1) In order to verify applicant eligibility as 170  
required under this section, the department shall verify at 171  
least the following information before awarding supplemental 172  
nutrition assistance benefits: 173

(a) Earned and unearned income; 174

(b) Employment status and changes in employment; 175

(c) Immigration status; 176

(d) State residency status, including information from a 177  
nationwide best-address source; 178

(e) Enrollment status in other state-administered public 179  
assistance programs both within and outside this state; 180

(f) Financial resources; 181

(g) Lottery winnings; 182

(h) Incarceration status; 183

(i) Death records; 184

(j) Any available information related to potential 185  
identity fraud or identity theft. 186

(2) On at least a quarterly basis, for recipients of 187  
benefits under the supplemental nutrition assistance program, 188

the department shall receive and review information identified 189  
in division (F) (1) of this section that indicates a change in 190  
circumstances that may affect eligibility, to the extent such 191  
information is available to the department. 192

(3) As part of the application for public assistance and 193  
before awarding benefits under the supplemental nutrition 194  
assistance program, the department shall require an applicant, 195  
or applicant's parent or caretaker, to complete an identity 196  
authentication process to confirm that the applicant, or person 197  
on whose behalf the applicant is acting, owns the identity 198  
presented in the application. 199

The process shall include a knowledge-based quiz 200  
consisting of personal questions and, to the extent possible 201  
based on finances and established credit history, financial 202  
questions. The quiz must attempt to accommodate nonbanked or 203  
underbanked applicants who do not have an established credit 204  
history. The quiz shall be available for completion by 205  
applicants in-person, over the telephone, and online. 206

(4) (a) The department shall sign a memorandum of 207  
understanding with any department, agency, or division as needed 208  
to obtain the information identified in division (F) (1) of this 209  
section. 210

(b) The department may contract with one or more 211  
independent vendors to provide the information identified in 212  
division (F) (1) of this section. Any such contract entered into 213  
shall establish annualized savings that exceed the contract's 214  
total annual cost to the state. 215

(c) Nothing in this section prevents the department or a 216  
county department of job and family services from receiving or 217



reviewing additional information related to eligibility not 218  
identified in this section or from contracting with one or more 219  
independent vendors to provide additional information not 220  
identified in this section. 221

(5) The department shall explore joining a multi-state 222  
cooperative, such as the national accuracy clearinghouse, to 223  
identify individuals enrolled in public assistance programs 224  
outside of this state. 225

(G) If the department receives information concerning an 226  
individual enrolled in the supplemental nutrition assistance 227  
program that indicates a change in circumstances that may affect 228  
eligibility, the department shall review the individual's case 229  
and take action as follows: 230

(1) If the review does not result in a finding of a 231  
discrepancy or change in the applicant's or recipient's 232  
circumstances that may affect eligibility, take no further 233  
action; 234

(2) If the review results in a finding of a discrepancy or 235  
change in the applicant's or recipient's circumstances that may 236  
affect eligibility, promptly redetermine eligibility, afford the 237  
applicant or recipient an opportunity to respond in accordance 238  
with division (H) of this section, and thereafter do one of the 239  
following: 240

(a) If the applicant or recipient does not respond to the 241  
department's notice, do both of the following: 242

(i) Deny the application or discontinue benefits, as 243  
applicable, until the discrepancy has been resolved; 244

(ii) Provide notice to the applicant or recipient that the 245  
department intends to deny the application or discontinue 246

benefits, as applicable. 247

(b) If the applicant or recipient responds to the notice 248  
and disagrees with the department's findings of a discrepancy or 249  
change, the department shall reinvestigate the matter and do one 250  
of the following: 251

(i) If the department finds that it made an error, take 252  
immediate action to correct it and take no further action to 253  
deny or discontinue benefits; 254

(ii) If the department finds that it did not make an 255  
error, determine the effect on the applicant's or recipient's 256  
case, take appropriate action, and notify the applicant or 257  
recipient of the department's findings and action. 258

(c) If the applicant or recipient responds to the notice 259  
and agrees with the department's findings, the department shall 260  
determine the effect on the applicant's or recipient's case, 261  
take appropriate action, and notify the applicant or recipient 262  
of the department's action. 263

(H) If in a review conducted under division (G) of this 264  
section the department finds a discrepancy or change in an 265  
applicant's or recipient's circumstances that may affect 266  
eligibility, the department shall provide written notice to the 267  
applicant or recipient that describes the circumstances of the 268  
discrepancy or change, the manner in which the applicant or 269  
recipient may respond, and the consequences of failing to 270  
respond. 271

The applicant or recipient shall be allowed ten business 272  
days to respond, unless state or federal law requires that 273  
additional time be allowed. The applicant's or recipient's 274  
response must be in writing. The department shall not accept 275

self-declarations as verification. The department may request 276  
additional information after receiving the response if it 277  
determines that there is a risk of fraud or misrepresentation or 278  
that there is inadequate documentation. 279

The department shall not deny an application or 280  
discontinue benefits on finding a discrepancy or change in 281  
circumstances until the applicant or recipient has been given 282  
notice of the discrepancy or change and an opportunity to 283  
respond in accordance with this division. 284

(I) In the case of suspected fraud, the department shall 285  
refer the case for investigation to the county prosecutor of the 286  
county in which the applicant or recipient resides. 287

(J) Six months after the effective date of this amendment 288  
and annually thereafter, the department shall complete a report 289  
detailing the impact of the requirements set forth in divisions 290  
(F) to (I) of this section. The report shall specify at least 291  
the following: 292

(1) The number of cases reviewed; 293

(2) The number of cases closed; 294

(3) The number of fraud investigation referrals to county 295  
prosecutors; 296

(4) The amount of savings and cost avoidance resulting 297  
from the requirements. 298

The department shall submit a copy of the report to the 299  
governor, the attorney general, and in accordance with section 300  
101.68 of the Revised Code, the general assembly. 301

(K) The department shall adopt rules in accordance with 302  
Chapter 119. of the Revised Code to implement divisions (F) to 303

(J) of this section. 304

Sec. 5162.137. Six months after the effective date of this 305  
section and annually thereafter, the department of medicaid 306  
shall complete a report that includes all of the information 307  
required by division (J) of section 5101.54 of the Revised Code 308  
as that information pertains to the medicaid program. The 309  
department shall submit a copy of the report to the governor, 310  
general assembly, and attorney general. The copy to the general 311  
assembly shall be submitted in accordance with section 101.68 of 312  
the Revised Code. The report shall not include information that 313  
would permit identification of any individual medicaid 314  
recipient. 315

Sec. 5163.04. With regard to applications and eligibility 316  
determinations for the medicaid program, the department of 317  
medicaid shall comply with all requirements of divisions (F) to 318  
(I) of section 5101.54 of the Revised Code to the extent those 319  
requirements are applicable to the medicaid program. 320

**Section 2.** That existing sections 5101.47 and 5101.54 of 321  
the Revised Code are hereby repealed. 322