

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 17

Senator Schaffer

A BILL

To amend sections 4501.27, 5101.33, 5101.54, 1
5101.542, 5163.01, 5163.07, 5166.01, and 5166.37 2
and to enact sections 4141.286, 4141.287, 3
4141.351, 4141.60, 5101.331, 5101.545, 5101.546, 4
5101.547, 5101.548, 5120.212, 5163.50, 5163.51, 5
5163.52, and 5166.45 of the Revised Code 6
regarding eligibility for the Supplemental 7
Nutrition Assistance Program and Medicaid, work 8
and education requirements for certain Medicaid 9
recipients, requirements for Supplemental 10
Nutrition Assistance Program electronic benefit 11
transfer cards, and eligibility for and 12
overpayments of unemployment compensation. 13

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

Section 1. That sections 4501.27, 5101.33, 5101.54 14
5101.542, 5163.01, 5163.07, 5166.01, and 5166.37 be amended and 15
sections 4141.286, 4141.287, 4141.351, 4141.60, 5101.331, 16
5101.545, 5101.546, 5101.547, 5101.548, 5120.212, 5163.50, 17
5163.51, 5163.52, and 5166.45 of the Revised Code be enacted to 18
read as follows: 19

Sec. 4141.286. When determining whether an application for 20
determination of benefit rights is valid or determining whether 21
a first claim or additional claim for benefits allows a claimant 22
to qualify for benefits, in addition to other information 23
available, the director of job and family services shall do all 24
of the following: 25

(A) Check the new hires directory maintained by the 26
department of job and family services under section 3121.894 of 27
the Revised Code for a new hire report applicable to the 28
claimant; 29

(B) Check the information in the national directory of new 30
hires that is made available to the director under section 453 31
of the "Social Security Act," 42 U.S.C. 653, for the purpose of 32
administering this chapter; 33

(C) Check the integrity data hub maintained by the 34
national association of state workforce agencies or a similar 35
database maintained by a successor organization. 36

Sec. 4141.287. The director of job and family services 37
shall enter into a data matching agreement with the department 38
of rehabilitation and correction. The agreement shall require 39
the director of rehabilitation and correction to provide the 40
director of job and family services with a searchable list, 41
updated weekly, identifying all persons committed to the several 42
institutions governed by the department of rehabilitation and 43
correction. 44

In addition to other information available, the director 45
of job and family services shall check the list provided under 46
this section when determining whether an application for 47
determination of benefit rights is valid or determining whether 48

a first claim or additional claim for benefits allows a claimant 49
to qualify for benefits. 50

Sec. 4141.351. The director of job and family services 51
shall develop a written policy regarding the recovery of 52
unemployment benefit overpayments. In the policy, the director 53
shall do all of the following: 54

(A) Prioritize the recovery of benefit overpayments that 55
resulted from fraudulent misrepresentation; 56

(B) Require the recovery of benefit overpayments to the 57
fullest extent permitted under state and federal law, regardless 58
of whether the overpayment resulted from fraudulent 59
misrepresentation or reasons other than fraudulent 60
misrepresentation; 61

(C) Require a record to be made any time a benefit 62
overpayment is not recovered because of an exception to recovery 63
in state or federal law; 64

(D) Require the department to cooperate with the United 65
States department of labor, or its successor department, to the 66
greatest extent possible with respect to the detection, 67
prevention, and recovery of overpayments resulting from 68
fraudulent misrepresentation, including participating in all 69
voluntary programs and agreements intended to reduce benefit 70
fraud that are made available to the state. 71

Sec. 4141.60. (A) Beginning one year after the effective 72
date of this section, and every year thereafter, the director of 73
job and family services shall prepare a report that includes all 74
of the following information with respect to the year covered by 75
the report: 76

(1) The rate of consistency in performing the checks 77

<u>required under sections 4141.286 and 4141.287 of the Revised</u>	78
<u>Code;</u>	79
<u>(2) The types and amounts of improper benefit payments</u>	80
<u>detected after they were made;</u>	81
<u>(3) The types and amount of improper benefit payments</u>	82
<u>prevented before they could be made;</u>	83
<u>(4) The total amount of money saved by recovering and</u>	84
<u>preventing improper benefit payments;</u>	85
<u>(5) The efficacy of the unemployment fraud detection and</u>	86
<u>prevention measures taken by the director;</u>	87
<u>(6) The number and amounts of overpayments that could not</u>	88
<u>be recovered under state or federal law and the reason in state</u>	89
<u>or federal law prohibiting the recovery.</u>	90
<u>(B) The director shall submit the report required under</u>	91
<u>division (A) of this section to the speaker of the house of</u>	92
<u>representatives, senate president, and the members of the</u>	93
<u>standing committees of the senate and the house of</u>	94
<u>representatives to which legislation pertaining to this chapter</u>	95
<u>is customarily referred.</u>	96
Sec. 4501.27. (A) Except as provided in division (B) of	97
this section, on and after September 13, 1997, the registrar of	98
motor vehicles, and any employee or contractor of the bureau of	99
motor vehicles, shall not knowingly disclose or otherwise make	100
available to any person or entity any personal information about	101
an individual that the bureau obtained in connection with a	102
motor vehicle record.	103
(B) (1) On and after September 13, 1997, the registrar, or	104
an employee or contractor of the bureau of motor vehicles, shall	105

disclose personal information, other than sensitive personal	106
information, about an individual that the bureau obtained in	107
connection with a motor vehicle record, for use in connection	108
with any of the following matters to carry out the purposes of	109
any specified federal automobile-related act:	110
(a) Motor vehicle or driver safety and theft;	111
(b) Motor vehicle emissions;	112
(c) Motor vehicle product alterations, recalls, or	113
advisories;	114
(d) Performance monitoring of motor vehicles and dealers	115
by motor vehicle manufacturers;	116
(e) Removal of non-owner records from the original owner	117
records of motor vehicle manufacturers.	118
(2) In addition to the disclosure required under division	119
(B)(1) of this section, on and after September 13, 1997, the	120
registrar, or an employee or contractor of the bureau of motor	121
vehicles, may disclose personal information, other than	122
sensitive personal information, about an individual that the	123
bureau obtained in connection with a motor vehicle record, as	124
follows:	125
(a) For the use of a government agency, including, but not	126
limited to, a court or law enforcement agency, in carrying out	127
its functions, or for the use of a private person or entity	128
acting on behalf of an agency of this state, another state, the	129
United States, or a political subdivision of this state or	130
another state in carrying out its functions;	131
(b) For use in connection with matters regarding motor	132
vehicle or driver safety and theft; motor vehicle emissions;	133

motor vehicle product alterations, recalls, or advisories; 134
performance monitoring of motor vehicles, motor vehicle parts, 135
and dealers; motor vehicle market research activities, 136
including, but not limited to, survey research; and removal of 137
non-owner records from the original owner records of motor 138
vehicle manufacturers; 139

(c) For use in the normal course of business by a 140
legitimate business or an agent, employee, or contractor of a 141
legitimate business, but only for one of the following purposes: 142

(i) To verify the accuracy of personal information 143
submitted to the business, agent, employee, or contractor by an 144
individual; 145

(ii) If personal information submitted to the business, 146
agent, employee, or contractor by an individual is incorrect or 147
no longer is correct, to obtain the correct information, but 148
only for the purpose of preventing fraud, by pursuing legal 149
remedies against, or recovering on a debt or security interest 150
against, the individual. 151

(d) For use in connection with a civil, criminal, 152
administrative, or arbitral proceeding in a court or agency of 153
this state, another state, the United States, or a political 154
subdivision of this state or another state or before a self- 155
regulatory body, including, but not limited to, use in 156
connection with the service of process, investigation in 157
anticipation of litigation, or the execution or enforcement of a 158
judgment or order; 159

(e) Pursuant to an order of a court of this state, another 160
state, the United States, or a political subdivision of this 161
state or another state; 162

(f) For use in research activities or in producing statistical reports, provided the personal information is not published, redisclosed, or used to contact an individual;	163 164 165
(g) For use by an insurer, insurance support organization, or self-insured entity, or by an agent, employee, or contractor of that type of entity, in connection with any claims investigation activity, anti-fraud activity, rating, or underwriting;	166 167 168 169 170
(h) For use in providing notice to the owner of a towed, impounded, immobilized, or forfeited vehicle;	171 172
(i) For use by any licensed private investigative agency or licensed security service for any purpose permitted under division (B) (2) of this section;	173 174 175
(j) For use by an employer or by the agent or insurer of an employer to obtain or verify information relating to the holder of a commercial driver's license or permit that is required under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-170, 49 U.S.C. 2701, et seq., as now or hereafter amended;	176 177 178 179 180 181
(k) For use in connection with the operation of a private toll transportation facility;	182 183
(l) For any use not otherwise identified in division (B) (2) of this section that is in response to a request for individual motor vehicle records, if the individual whose personal information is requested completes and submits to the registrar or deputy registrar a form prescribed by the registrar by rule giving express consent to such disclosures.	184 185 186 187 188 189
(m) For bulk distribution for surveys, marketing, or solicitations, if the individual whose personal information is	190 191

requested completes and submits to the registrar or a deputy 192
registrar a form prescribed by the registrar by rule giving 193
express consent to such disclosures. 194

(n) For use by a person, state, or state agency that 195
requests the information, if the person, state, or state agency 196
demonstrates that it has obtained the written consent of the 197
individual to whom the information pertains; 198

(o) For any other use specifically authorized by law that 199
is related to the operation of a motor vehicle or to public 200
safety. 201

(3) (a) Except as provided in division (B) (3) (b) of this 202
section, the registrar, or an employee or contractor of the 203
bureau of motor vehicles, may disclose sensitive personal 204
information about an individual that the bureau obtained in 205
connection with a motor vehicle record, only if either of the 206
following conditions are satisfied: 207

(i) The individual whose personal information is requested 208
completes and submits to the registrar or deputy registrar a 209
form prescribed by the registrar by rule giving express consent 210
to such disclosure; 211

(ii) The disclosure is for one or more of the purposes 212
described in division (B) (2) (a), (d), (g), or (j) of this 213
section. 214

(b) Division (B) (3) (a) of this section does not apply to 215
the disclosure of sensitive personal information that is subject 216
to section 4501.15 or 4507.53 of the Revised Code. 217

(4) Notwithstanding section 4507.53 of the Revised Code or 218
any provision of this section, the registrar, or an employee or 219
contractor of the bureau of motor vehicles, may disclose an 220

individual's photograph or digital image to the department of 221
job and family services for purposes of section 5101.331 of the 222
Revised Code. 223

(C) On and after September 13, 1997, an authorized 224
recipient of personal information about an individual that the 225
bureau of motor vehicles obtained in connection with a motor 226
vehicle record, other than a recipient under division (B) (2) (l) 227
or (m) of this section, may resell or redisclose the personal 228
information only for a use permitted under division (B) (1), (B) 229
(2) (a) to (k), (B) (2) (n), or (B) (2) (o) of this section. On and 230
after September 13, 1997, an authorized recipient of personal 231
information about an individual under division (B) (2) (l) of this 232
section may resell or redisclose the information for any 233
purpose. On and after September 13, 1997, an authorized 234
recipient of personal information under division (B) (2) (m) of 235
this section may resell or redisclose the information as 236
specified pursuant to that division. On and after September 13, 237
1997, an authorized recipient of personal information about an 238
individual under division (B) of this section, other than a 239
recipient under division (B) (2) (l) of this section, that resells 240
or rediscloses any personal information covered by this section 241
must keep for a period of five years a record that identifies 242
each person or entity that receives any of the personal 243
information and the permitted purpose for which the information 244
is to be used, and must make all such records available to the 245
registrar of motor vehicles upon the registrar's request. 246

(D) The registrar may establish and carry out procedures 247
under which the registrar or the registrar's agents, upon 248
receipt of a request for personal information on or after 249
September 13, 1997, that does not satisfy any of the criteria 250
for disclosure of the information that are set forth in division 251

(B) (1) or (2) of this section, may notify the individual about 252
whom the information was requested, by regular mail, that the 253
request was made. Any procedures so adopted shall provide that, 254
if the registrar or an agent of the registrar mails the notice 255
to the individual, the registrar or agent shall include with the 256
notice a copy of the request and conspicuously shall include in 257
the notice a statement that the information will not be released 258
unless the individual waives the individual's right to privacy 259
regarding the information that is granted under this section. 260

(E) The registrar of motor vehicles may adopt any forms 261
and rules, consistent with but no more restrictive than the 262
requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 263
2721-2725, that are necessary to carry out the registrar's 264
duties under this section on and after September 13, 1997. 265

(F) As used in this section: 266

(1) "Motor vehicle record" means a record that pertains to 267
a motor vehicle driver's or commercial driver's license or 268
permit, a motor vehicle certificate of title, a motor vehicle 269
registration or motor vehicle identification license plates, or 270
an identification card issued by the bureau of motor vehicles. 271

(2) "Person" has the same meaning as in section 1.59 of 272
the Revised Code and does not include this state, another state, 273
or an agency of this state or another state. 274

(3) "Personal information" means information that 275
identifies an individual, including, but not limited to, an 276
individual's photograph or digital image, social security 277
number, driver or driver's license identification number, name, 278
telephone number, or medical or disability information, or an 279
individual's address other than the five-digit zip code number. 280

"Personal information" does not include information pertaining 281
to a vehicular accident, driving or traffic violation, or 282
driver's status. 283

(4) "Specified federal automobile-related act" means the 284
~~"automobile information disclosure act."~~ "Automobile Information 285
Disclosure Act," 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor 286
Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 287
U.S.C. 1901, et seq., the "National Traffic and Motor Vehicle 288
Safety Act of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the 289
"Anti-car Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et 290
seq., and the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et 291
seq., all as now or hereafter amended. 292

(5) "Sensitive personal information" means an individual's 293
photograph or digital image, social security number, or medical 294
or disability information. 295

Sec. 5101.33. (A) As used in this section, "benefits" 296
means any of the following: 297

(1) Cash assistance paid under Chapter 5107. of the 298
Revised Code; 299

(2) Supplemental nutrition assistance program benefits 300
provided under section 5101.54 of the Revised Code; 301

(3) Any other program administered by the department of 302
job and family services under which assistance is provided or 303
service rendered; 304

(4) Any other program, service, or assistance administered 305
by a person or government entity that the department determines 306
may be delivered through the medium of electronic benefit 307
transfer. 308

(B) ~~The Subject to section 5101.331 of the Revised Code,~~ 309
the department of job and family services may make any payment 310
or delivery of benefits to eligible individuals through the 311
medium of electronic benefit transfer by doing all of the 312
following: 313

(1) Contracting with an agent to supply debit cards to the 314
department of job and family services for use by such 315
individuals in accessing their benefits and to credit such cards 316
electronically with the amounts specified by the director of job 317
and family services pursuant to law; 318

(2) Informing such individuals about the use of the 319
electronic benefit transfer system and furnishing them with 320
debit cards and information that will enable them to access 321
their benefits through the system; 322

(3) Arranging with specific financial institutions or 323
vendors, county departments of job and family services, or 324
persons or government entities for individuals to have their 325
cards credited electronically with the proper amounts at their 326
facilities; 327

(4) Periodically preparing vouchers for the payment of 328
such benefits by electronic benefit transfer; 329

(5) Satisfying any applicable requirements of federal and 330
state law. 331

(C) The department may enter into a written agreement with 332
any person or government entity to provide benefits administered 333
by that person or entity through the medium of electronic 334
benefit transfer. A written agreement may require the person or 335
government entity to pay to the department either or both of the 336
following: 337

(1) A charge that reimburses the department for all costs 338
the department incurs in having the benefits administered by the 339
person or entity provided through the electronic benefit 340
transfer system; 341

(2) A fee for having the benefits provided through the 342
electronic benefit transfer system. 343

(D) The department may designate which counties will 344
participate in the medium of electronic benefit transfer, 345
specify the date a designated county will begin participation, 346
and specify which benefits will be provided through the medium 347
of electronic benefit transfer in a designated county. 348

(E) The department may adopt rules in accordance with 349
Chapter 119. of the Revised Code for the efficient 350
administration of this section and section 5101.331 of the 351
Revised Code. 352

Sec. 5101.331. (A) Except as otherwise provided in this 353
section, each debit card used to access supplemental nutrition 354
assistance program benefits shall include both of the following: 355

(1) On the front of the card, a color photograph of at 356
least one adult member of the household for which the debit card 357
is issued; 358

(2) On the back of the card, a telephone number that can 359
be called to report suspected fraud under the supplemental 360
nutrition assistance program and the address of a web site where 361
suspected fraud can be reported. 362

(B) Not later than one year after the effective date of 363
this section, the department of job and family services, in 364
consultation with the bureau of motor vehicles and the food and 365
nutrition services of the United States department of 366

agriculture, shall develop a strategy for issuing debit cards 367
that meet the requirements of division (A) of this section. 368

(C) Subject to division (D) of this section, both of the 369
following apply: 370

(1) All new debit cards issued on or after the date that 371
is six months after the date the department develops the 372
strategy under division (B) of this section shall meet the 373
requirements of division (A) of this section. 374

(2) Not later than twelve months after the date the 375
department develops the strategy under division (B) of this 376
section, each debit card issued before the date that is six 377
months after the date the department develops the strategy under 378
division (B) of this section shall be replaced with a debit card 379
that meets the requirements of division (A) of this section if 380
the household for which the debit card was issued continues to 381
participate in the supplemental nutrition assistance program. 382

(D) The requirement of division (A) (1) of this section 383
does not apply to a debit card issued for a household to which 384
either of the following applies: 385

(1) The household does not include any adult members. 386

(2) Each of the adult members of the household is sixty 387
years of age or older; is blind, disabled, or a victim of 388
domestic violence; or has religious objections to being 389
photographed. 390

(E) An adult who meets any of the exemption criteria 391
specified in division (D) (2) of this section may volunteer to 392
have a color photograph of the adult included on the front of 393
the debit card of the adult's household. 394

Sec. 5101.54. (A) The director of job and family services	395
shall administer the supplemental nutrition assistance program	396
in accordance with the Food and Nutrition Act of 2008 (7 U.S.C.	397
2011 et seq.). The department of job and family services may:	398
(1) Prepare and submit to the secretary of the United	399
States department of agriculture a plan for the administration	400
of the supplemental nutrition assistance program;	401
(2) Prescribe forms for applications, certificates,	402
reports, records, and accounts of county departments of job and	403
family services, and other matters;	404
(3) Require such reports and information from each county	405
department of job and family services as may be necessary and	406
advisable;	407
(4) Administer and expend any sums appropriated by the	408
general assembly for the purposes of the supplemental nutrition	409
assistance program and all sums paid to the state by the United	410
States as authorized by the Food and Nutrition Act of 2008;	411
(5) Conduct such investigations as are necessary;	412
(6) Enter into interagency agreements and cooperate with	413
investigations conducted by the department of public safety,	414
including providing information for investigative purposes,	415
exchanging property and records, passing through federal	416
financial participation, modifying any agreements with the	417
United States department of agriculture, providing for the	418
supply, security, and accounting of supplemental nutrition	419
assistance program benefits for investigative purposes, and	420
meeting any other requirements necessary for the detection and	421
deterrence of illegal activities in the supplemental nutrition	422
assistance program;	423

(7) Adopt rules in accordance with Chapter 119. of the 424
Revised Code governing employment and training requirements of 425
recipients of supplemental nutrition assistance program 426
benefits, including rules specifying which recipients are 427
subject to the requirements and establishing sanctions for 428
failure to satisfy the requirements. The rules shall be 429
consistent with sections 5101.545 to 5101.548 of the Revised 430
Code. The rules shall be consistent with 7 U.S.C. 2015, 431
including its work and employment and training requirements, 432
and, to the extent practicable, shall provide for the recipients 433
to participate in work activities, developmental activities, and 434
alternative work activities described in sections 5107.40 to 435
5107.69 of the Revised Code that are comparable to programs 436
authorized by 7 U.S.C. 2015(d) (4). The rules may reference rules 437
adopted under section 5107.05 of the Revised Code governing work 438
activities, developmental activities, and alternative work 439
activities described in sections 5107.40 to 5107.69 of the 440
Revised Code. 441

(8) ~~Adopt~~ Subject to sections 5101.545 to 5101.548 of the 442
Revised Code, rules in accordance with section 111.15 of the 443
Revised Code that are consistent with the Food and Nutrition Act 444
of 2008, the regulations adopted thereunder, and this section 445
governing the following: 446

(a) Eligibility requirements for the supplemental 447
nutrition assistance program; 448

(b) Sanctions for failure to comply with eligibility 449
requirements; 450

(c) Allotment of supplemental nutrition assistance program 451
benefits; 452

(d) To the extent permitted under federal statutes and 453
regulations, a system under which some or all recipients of 454
supplemental nutrition assistance program benefits subject to 455
employment and training requirements established by rules 456
adopted under division (A) (7) of this section receive the 457
benefits after satisfying the requirements; 458

(e) Administration of the program by county departments of 459
job and family services; 460

(f) Other requirements necessary for the efficient 461
administration of the program. 462

~~(9) Submit a plan to the United States secretary of 463
agriculture for the department of job and family services to 464
operate a simplified supplemental nutrition assistance program 465
pursuant to 7 U.S.C. 2035 under which requirements governing the 466
Ohio works first program established under Chapter 5107. of the 467
Revised Code also govern the supplemental nutrition assistance 468
program in the case of households receiving supplemental 469
nutrition assistance program benefits and participating in Ohio 470
works first. 471~~

(B) A household that is entitled to receive supplemental 472
nutrition assistance program benefits and that is determined to 473
be in immediate need of nutrition assistance shall receive 474
certification of eligibility for program benefits, pending 475
verification, within twenty-four hours, or, if mitigating 476
circumstances occur, within seventy-two hours, after 477
application, if: 478

(1) The results of the application interview indicate that 479
the household will be eligible upon full verification; 480

(2) Information sufficient to confirm the statements in 481

the application has been obtained from at least one additional 482
source, not a member of the applicant's household. Such 483
information shall be recorded in the case file and shall 484
include: 485

(a) The name of the person who provided the name of the 486
information source; 487

(b) The name and address of the information source; 488

(c) A summary of the information obtained. 489

The period of temporary eligibility shall not exceed one 490
month from the date of certification of temporary eligibility. 491
If eligibility is established by full verification, benefits 492
shall continue without interruption as long as eligibility 493
continues. 494

There is no limit on the number of times a household may 495
receive expedited certification of eligibility under this 496
division as long as before each expedited certification all of 497
the information identified in division (F)(1) of this section 498
was verified for the household at the last expedited 499
certification or the household's eligibility was certified under 500
normal processing standards since the last expedited 501
certification. 502

At the time of application, the county department of job 503
and family services shall provide to a household described in 504
this division a list of community assistance programs that 505
provide emergency food. 506

(C) Before certifying supplemental nutrition assistance 507
program benefits, the department shall verify the eligibility of 508
each household in accordance with division (F) of this section. 509
All applications shall be approved or denied through full 510

verification within thirty days from receipt of the application	511
by the county department of job and family services.	512
(D) Nothing in this section shall be construed to prohibit	513
the certification of households that qualify under federal	514
regulations to receive supplemental nutrition assistance program	515
benefits without charge under the Food and Nutrition Act of	516
2008.	517
(E) Any person who applies for the supplemental nutrition	518
assistance program shall receive a voter registration	519
application under section 3503.10 of the Revised Code.	520
(F) (1) In order to verify household eligibility as	521
required by federal regulations and this section, the department	522
shall, except as provided in division (F) (2) of this section,	523
verify at least the following information before certifying	524
supplemental nutrition assistance program benefits:	525
(a) Household composition;	526
(b) Identity;	527
(c) Citizenship and alien eligibility status;	528
(d) Social security numbers;	529
(e) State residency status;	530
(f) Disability status;	531
(g) Gross nonexempt income;	532
(h) Utility expenses;	533
(i) Medical expenses;	534
(j) Enrollment status in other state-administered public	535
assistance programs within and outside this state;	536

(k) Any available information related to potential identity fraud or identity theft.	537 538
(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.	539 540 541 542 543
(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.	544 545 546 547 548 549 550
(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.	551 552 553 554 555 556
(5) (a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F) (1) of this section.	557 558 559 560
(b) The department may contract with one or more independent vendors to provide the information identified in division (F) (1) of this section.	561 562 563
(c) Nothing in this section prevents the department or a county department of job and family services from receiving or	564 565

reviewing additional information related to eligibility not 566
identified in this section or from contracting with one or more 567
independent vendors to provide additional information not 568
identified in this section. 569

(6) The department shall ~~explore joining~~ join a multistate 570
cooperative, such as the national accuracy clearinghouse, to 571
identify individuals enrolled in public assistance programs 572
outside of this state. 573

(G) If the department receives information concerning a 574
household certified to receive supplemental nutrition assistance 575
program benefits that indicates a change in circumstances that 576
may affect eligibility, the department shall take action in 577
accordance with federal regulations, including verifying unclear 578
information, providing prior written notice of a change or 579
adverse action, and notifying the household of the right to a 580
fair hearing. 581

(H) In the case of suspected fraud, the department shall 582
refer the case for an administrative disqualification hearing or 583
to the county prosecutor of the county in which the applicant or 584
recipient resides for investigation, or both. 585

(I) The department shall adopt rules in accordance with 586
Chapter 119. of the Revised Code to implement divisions (F) to 587
(H) of this section. 588

(J) Except as prohibited by federal law, the department 589
may assign any of the duties described in this section to any 590
county department of job and family services. 591

Sec. 5101.542. Immediately following a county department 592
of job and family services' certification that a household 593
determined under division (B) of section 5101.54 of the Revised 594

Code to be in immediate need of nutrition assistance is eligible 595
for the supplemental nutrition assistance program, the 596
department of job and family services shall provide for the 597
household to be sent by regular United States mail an electronic 598
benefit transfer card containing the amount of benefits the 599
household is eligible to receive under the program. The card 600
shall be sent to the member of the household in whose name 601
application for the supplemental nutrition assistance program 602
was made or that member's authorized representative. Section 603
5101.331 of the Revised Code applies to the card. 604

Sec. 5101.545. To the maximum extent permitted by federal 605
law, the department of job and family services shall require a 606
household receiving supplemental nutrition assistance program 607
benefits to report, not later than ten days after the change 608
becomes known to the household, the changes in circumstances 609
enumerated for certified change reporting households under 7 610
C.F.R. 273.12(a)(1). The department shall not exercise the 611
option under 7 C.F.R. 273.12(a)(5) and (6) to establish a system 612
of quarterly or simplified reporting in lieu of the change 613
reporting requirements specified under 7 C.F.R. 273.12(a)(1). 614

Sec. 5101.546. (A) As used in this section, "categorically 615
eligible household" means a household that is categorically 616
eligible for supplemental nutrition assistance program benefits 617
under 7 C.F.R. 273.2(j)(2) or (j)(4). 618

(B) Unless required by federal law, the gross income 619
limits for an eligible household under the supplemental 620
nutrition assistance program shall not exceed the standards 621
specified in section (5)(c) of the "Food and Nutrition Act of 622
2008," 7 U.S.C. 2014(c). 623

(C) Unless required by federal law, a household shall not 624

be a categorically eligible household if any members receive or 625
are authorized to receive any noncash, in-kind, or other similar 626
benefit. 627

Sec. 5101.547. The department of job and family services 628
shall implement the options authorized under 7 C.F.R. 273.11(o) 629
and (p), under which certain individuals, as a condition of 630
eligibility for supplemental nutrition assistance program 631
benefits, must cooperate with the department regarding 632
establishing paternity and establishing, modifying, and 633
enforcing a child support order. 634

Sec. 5101.548. (A) The department of job and family 635
services shall compile a written report addressing the 636
implementation and enforcement of the supplemental nutrition 637
assistance program, including all of the following information 638
about the program: 639

(1) The number of households investigated for fraud or 640
intentional program violations; 641

(2) The total number of those cases referred to the 642
attorney general for prosecution; 643

(3) Any improper program payments or expenditures and 644
total monies recovered from those payments or expenditures; 645

(4) Aggregate data concerning improper program payments 646
and ineligible recipients, reported as a percentage of those 647
cases investigated and reviewed; 648

(6) The aggregate amount of funds expended by Ohio 649
recipients through electronic benefit card transactions in each 650
state other than Ohio. 651

(B) Beginning one year after the effective date of this 652

section, the department shall submit the report quarterly to the 653
speaker of the house of representatives, the senate president, 654
and the members of the standing legislative committees having 655
jurisdiction over the supplemental nutrition assistance program. 656
The department shall submit the report in accordance with 657
section 101.68 of the Revised Code. 658

Sec. 5120.212. Notwithstanding division (A) of section 659
5120.21 of the Revised Code, the department of rehabilitation 660
and correction shall share the records described in that 661
division with the director of job and family services to the 662
extent necessary to effectuate the data matching agreement 663
required under section 4141.287 of the Revised Code. 664

Sec. 5163.01. As used in this chapter: 665

~~"Caretaker relative" has the same meaning as in 42 C.F.R.~~ 666
~~435.4 as that regulation is amended effective January 1, 2014.~~ 667

~~"Expansion eligibility group" means the medicaid-~~ 668
~~eligibility group described in section 1902(a)(10)(A)(i)(VIII)-~~ 669
~~of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)-~~ 670
~~(VIII).~~ 671

"Federal financial participation" has the same meaning as 672
in section 5160.01 of the Revised Code. 673

"Federal poverty line" has the same meaning as in section 674
5162.01 of the Revised Code. 675

"Healthy start component" has the same meaning as in 676
section 5162.01 of the Revised Code. 677

"Home and community-based services medicaid waiver 678
component" has the same meaning as in section 5166.01 of the 679
Revised Code. 680

"Intermediate care facility for individuals with intellectual disabilities" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code. 681
682
683

"Mandatory eligibility groups" means the groups of individuals that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program. 684
685
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687

"Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5163.09 to 5163.098 of the Revised Code. 688
689
690

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 691
692

"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 693
694

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 695
696

"Optional eligibility groups" means the groups of individuals who may be covered by the medicaid state plan or a federal medicaid waiver and for whom the medicaid program receives federal financial participation. 697
698
699
700

"Other medicaid-funded long-term care services" has the meaning specified in rules adopted under section 5163.02 of the Revised Code. 701
702
703

"Parents and other caretaker relatives eligibility group" means the medicaid eligibility group that 42 C.F.R. 435.110 requires the medicaid program to cover. 704
705
706

"Supplemental security income program" means the program established by Title XVI of the "Social Security Act," 42 U.S.C. 707
708

1381 et seq. 709

Sec. 5163.07. The medicaid director shall implement the 710
option authorized by section 1931(b)(2)(C) of the "Social 711
Security Act," ~~section 1931(b)(2)(C),~~ 42 U.S.C. 1396u-1(b)(2) 712
(C), to set the income eligibility threshold at ninety per cent 713
of the federal poverty line for the parents and other caretaker 714
~~relatives who are covered by the medicaid program under that~~ 715
~~section of the "Social Security Act eligibility group."~~ 716

Sec. 5163.50. (A) The medicaid director shall enter into 717
the following data matching agreements: 718

(1) Agreements with the director of the state lottery 719
commission and executive director of the Ohio casino control 720
commission, where the director and executive director provide 721
the medicaid director with a searchable list identifying all 722
individuals with substantial lottery or gambling winnings. The 723
director shall check the list at least monthly to determine if 724
the information affects any medicaid recipient's eligibility. 725

(2) An agreement with the director of health, under which 726
the director of health is required to provide the medicaid 727
director with a searchable list identifying new and updated 728
vital statistics records, including death records. The medicaid 729
director shall check the list at least monthly for vital 730
statistics records involving medicaid recipients that may affect 731
a recipient's eligibility. 732

(3) An agreement with the director of job and family 733
services, under which the director is required to provide the 734
medicaid director with a searchable list of information about 735
medicaid recipients that indicates a change in circumstance that 736
may impact the recipient's eligibility, including both of the 737

following: 738

(a) On a quarterly basis, information about a medicaid recipient's change in employment or wages. The medicaid director shall review the information at least quarterly. 739
740
741

(b) On a monthly basis, information about potential changes in residency for a medicaid recipient, as identified by out-of-state electronic benefit transfer transactions. The medicaid director shall review the information at least monthly. 742
743
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745

(C) The agreements required by division (A) of this section shall describe the manner in which each agency is to report the information to the department of medicaid. 746
747
748

Sec. 5163.51. Unless required by federal law or regulations, the department of medicaid shall not do any of the following related to administration of the medicaid program and medicaid eligibility: 749
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751
752

(A) Conduct post-enrollment verification of income or nonincome-related eligibility instead of verifying income and nonincome-related eligibility before enrollment; 753
754
755

(B) Designate itself as a qualified health entity for the purpose of making presumptive eligibility determinations or for any purpose not expressly authorized by the Revised Code; 756
757
758

(C) Accept self-attestation of income or receipt of other health insurance coverage; 759
760

(D) Request approval from the United States centers for medicare and medicaid services to not exercise both of the following requirements: 761
762
763

(1) To periodically check any available income-related data sources to verify eligibility; 764
765

(2) To comply with the public notice requirements related 766
to proposed changes to the medicaid state plan, as required 767
under 42 C.F.R. 447.205, 42 C.F.R. 447.57, and 42 C.F.R. 768
440.386. 769

Sec. 5163.52. If the department of medicaid receives 770
federal funding for the medicaid program that is contingent on a 771
temporary maintenance of effort restriction or that otherwise 772
limits the department's ability to disenroll ineligible medicaid 773
recipients, such as the requirements under Section 6008 of the 774
"Families First Coronavirus Response Act," Pub. L. No. 116-127, 775
the department shall do both of the following: 776

(A) Continue to conduct eligibility redeterminations under 777
the medicaid program and act on those redeterminations to the 778
fullest extent permitted under federal law and regulations. 779

(B) Within sixty days of the expiration of the restriction 780
or limitation, complete an audit in which the department does 781
all of the following: 782

(1) Completes and acts on eligibility redeterminations for 783
all medicaid recipients for whom a redetermination has not been 784
conducted in the past twelve months; 785

(2) Requests approval from the United States centers for 786
medicare and medicaid services to conduct and act on eligibility 787
redeterminations on all medicaid recipients who were enrolled 788
for three or more months during the period of restriction or 789
limitation; the department shall, within sixty days of any such 790
approval, conduct and act on the redeterminations; 791

(3) Carries out an additional check of all information 792
available to the department from agreements under section 793
5163.50 of the Revised Code to verify the eligibility of all 794

<u>medicaid recipients, and acts on the check;</u>	795
<u>(4) Submits a report summarizing the results of the audit</u>	796
<u>to the speaker of the house of representatives and senate</u>	797
<u>president in accordance with section 101.68 of the Revised Code.</u>	798
Sec. 5166.01. As used in this chapter:	799
"209(b) option" means the option described in section	800
1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under	801
which the medicaid program's eligibility requirements for aged,	802
blind, and disabled individuals are more restrictive than the	803
eligibility requirements for the supplemental security income	804
program.	805
"Administrative agency" means, with respect to a home and	806
community-based services medicaid waiver component, the	807
department of medicaid or, if a state agency or political	808
subdivision contracts with the department under section 5162.35	809
of the Revised Code to administer the component, that state	810
agency or political subdivision.	811
"Care management system" has the same meaning as in	812
section 5167.01 of the Revised Code.	813
"Dual eligible individual" has the same meaning as in	814
section 5160.01 of the Revised Code.	815
"Enrollee" has the same meaning as in section 5167.01 of	816
the Revised Code.	817
"Expansion eligibility group" has the same meaning as in	818
section 5163.01 of the Revised Code <u>means the medicaid</u>	819
<u>eligibility group described in section 1902(a)(10)(A)(i)(VIII)</u>	820
<u>of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)</u>	821
<u>(VIII).</u>	822

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	823 824
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	825 826 827 828 829
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	830 831
"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.	832 833
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	834 835
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	836 837
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	838 839
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	840 841 842 843 844 845 846
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	847 848
"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.	849 850

"Medicaid provider" has the same meaning as in section 851
5164.01 of the Revised Code. 852

"Medicaid services" has the same meaning as in section 853
5164.01 of the Revised Code. 854

"Medicaid waiver component" means a component of the 855
medicaid program authorized by a waiver granted by the United 856
States department of health and human services under section 857
1115 or 1915 of the "Social Security Act," ~~section 1115 or 1915,~~ 858
42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not 859
include the care management system. 860

"Medically fragile child" means an individual who is under 861
eighteen years of age, has intensive health care needs, and is 862
considered blind or disabled under section 1614(a) (2) or (3) of 863
the "Social Security Act," 42 U.S.C. 1382c(a) (2) or (3). 864

"Nursing facility" and "nursing facility services" have 865
the same meanings as in section 5165.01 of the Revised Code. 866

"Ohio home care waiver program" means the home and 867
community-based services medicaid waiver component that is known 868
as Ohio home care and was created pursuant to section 5166.11 of 869
the Revised Code. 870

"Parents and other caretaker relatives eligibility group" 871
has the same meaning as in section 5163.01 of the Revised Code. 872

"Provider agreement" has the same meaning as in section 873
5164.01 of the Revised Code. 874

"Residential treatment facility" means a residential 875
facility licensed by the department of mental health and 876
addiction services under section 5119.34 of the Revised Code, or 877
an institution certified by the department of job and family 878

services under section 5103.03 of the Revised Code, that serves 879
children and either has more than sixteen beds or is part of a 880
campus of multiple facilities or institutions that, combined, 881
have a total of more than sixteen beds. 882

"Skilled nursing facility" has the same meaning as in 883
section 5165.01 of the Revised Code. 884

"Unified long-term services and support medicaid waiver 885
component" means the medicaid waiver component authorized by 886
section 5166.14 of the Revised Code. 887

Sec. 5166.37. (A) The medicaid director shall establish a 888
medicaid waiver component under which an individual eligible for 889
medicaid on the basis of being included in the expansion 890
eligibility group or the parents and other caretaker relatives 891
eligibility group must satisfy at least one of the following 892
requirements to be able to enroll in medicaid as part of ~~the~~ 893
~~expansion eligibility group~~ either of those groups unless exempt 894
under division (B) of this section: 895

~~(A) Be at least fifty five years of age;~~ 896

~~(B) (1) Be employed at least twenty hours per week,~~ 897
averaged monthly; 898

~~(C) (2) Be enrolled in ~~school~~ an accredited institution of 899
higher education or an occupational training program;~~ 900

~~(D) Be .~~ 901

(B) Division (A) of this section does not apply to an 902
individual to whom any of the following apply: 903

(1) The individual is at least sixty-five years of age. 904

(2) The individual is participating in an alcohol and drug 905

addiction treatment program† 906

~~(E) Have~~. 907

(3) The individual is medically certified as physically or 908
mentally unfit for employment because of an intensive physical 909
health care ~~needs~~ need or serious mental illness. 910

(4) The individual personally provides care for either or 911
both of the following: 912

(a) A child who is under one year of age; 913

(b) A child who has a medical condition or disability that 914
the medicaid director determines is serious enough to warrant an 915
exemption under this division. 916

Sec. 5166.45. (A) The medicaid director shall establish 917
waiver components to do all of the following: 918

(1) Notwithstanding 42 U.S.C. 1396w-3(b)(1)(B), permit the 919
department, or an agency authorized by an agreement entered into 920
under division (B) of section 5160.30 of the Revised Code, to 921
independently verify a medical assistance recipient's 922
eligibility for a medical assistance program before accepting an 923
eligibility determination for the recipient made by a health 924
benefit exchange established by the state government of Ohio or 925
an exchange established by the United States secretary of health 926
and human services in accordance with the "Patient Protection 927
and Affordable Care Act," 42 U.S.C. 18041; 928

(2) Prohibit the following adults from being eligible for 929
or re-enrolling in the program for a period of six months if the 930
individual fails to report any change in circumstance that 931
affects the recipient's eligibility for the medicaid program: 932

(a) An adult eligible for medicaid on the basis of being 933

included in the category identified by the department of 934
medicaid as covered families and children; 935

(b) An adult eligible for medicaid on the basis of being 936
included in the expansion eligibility group described in section 937
1902(a)(1)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 938
1396(a)(1)(A)(i)(VIII); 939

(3) Not exercise the requirement of 42 U.S.C. 940
1396a(a)47(B) that authorizes a hospital to determine if an 941
individual is eligible for the medicaid program during a 942
presumptive eligibility period. 943

(4) Determine a medicaid recipient's eligibility once 944
every six months, instead of once every twelve months as 945
required by 42 C.F.R. 435.916(a). 946

(5) Not exercise the requirements of 42 C.F.R. 435.916(a) 947
to redetermine a recipient's eligibility based on information 948
available to the department without requiring information from 949
the recipient and to provide the recipient with a prepopulated 950
renewal form. 951

(B) The department shall report to the speaker of the 952
house of representatives, the senate president, and the members 953
of the joint medicaid oversight committee receipt of approval by 954
the United States centers for medicare and medicaid services of 955
a waiver submitted under this section. 956

Section 2. That existing sections 4501.27, 5101.33, 957
5101.54 5101.542, 5163.01, 5163.07, 5166.01, and 5166.37 of the 958
Revised Code are hereby repealed. 959

Section 3. Not later than 90 days after the effective date 960
of this section, the Department of Medicaid shall submit to the 961
Centers for Medicare and Medicaid Services the waiver requests 962

required under section 5166.45 of the Revised Code. 963

Section 4. Sections 1, 2, 3, and 4 of this act take effect 964
on January 1, 2022. Any sections necessitating approval of a 965
Medicaid program state plan amendment or Medicaid program waiver 966
before implementation shall not be implemented until the 967
approval of the amendment or waiver, or January 1, 2022, 968
whichever is later. 969