

**Senate Bill 17 Opponent Testimony**  
Senate Government Oversight and Reform Committee  
May 6, 2021

Chairwoman Roegner, Vice Chairman McColley, Ranking Member Craig, and Members of the Senate Government Oversight and Reform Committee, thank you for the opportunity to testify today on Senate Bill 17.

My name is Rachel Cahill and I am here today on behalf of the Social Action Commission for Saint Paschal Baylon Catholic Church in Highland Heights. I am the current Chair of the Social Action Commission. Professionally, I work as an independent consultant for non-profit organizations and state agencies due to my expertise in the Supplemental Nutrition Assistance Program (SNAP). You may remember me from my previous testimony on Senate Bill 17 in front of this distinguished Committee back in February.

In my previous testimony, I detailed why Senate Bill 17 would undeniably make it more difficult for Ohioans struggling with hunger – especially seniors, individuals with disabilities, families with children, and working people – to access the federally-funded food assistance that SNAP provides. I was heartened by comments during and after the previous hearing from members of this Committee, including the bill’s Sponsor, that there was genuine interest in hearing from stakeholders like me on how Senate Bill 17 could be amended to ensure vulnerable Ohioans were not harmed by any of its many provisions. I took that invitation seriously and developed a list of 10 Amendments for Senate Bill 17 and submitted them to the bill Sponsor, along with other members of this Committee. I also met directly with the Sponsor to talk through each amendment and its importance.

I would like to spend the remainder of my time reviewing these 10 Amendments and hope that they will receive ample consideration from this Committee. The amendments are listed in the order that each section appears in the As Introduced version of Senate Bill 17.

1. **Strike Sec. 4141.351 (B)** – This section would require the recovery of Unemployment overpayments regardless of whether the overpayment resulted from fraudulent misrepresentation or reasons *other than* fraudulent misrepresentation. The Ohio Department of Job and Family Services (ODJFS) must have latitude to waive overpayment collections when no fraud has occurred, such as when the Agency itself was at fault. I expect that many of you have heard from constituents who have found themselves in exactly this situation over the past year.
2. **Strike Sec. 5101.331 (A)(1) and (E)** – This section would require a photograph of at least one adult member of the SNAP household on an EBT card. As detailed in previous testimony, Photo EBT policies have not been effective in other states, are very expensive to administer, can lead to discrimination in grocery check-out lines, and could even expose grocery retailers to lawsuits. Attached to my remarks is recent testimony from Maine’s Department of Health and Human Services, a state that previously implemented, and then abandoned, a Photo EBT program.

3. **Strike Sec. 5101.545** – This section would require Change Reporting for all SNAP households, a practice which no other state in the country uses. Change Reporting would be most harmful to working Ohioans whose wages fluctuate regularly despite remaining eligible for SNAP. Change Reporting would also be very costly for County Departments of Job and Family Services and would likely increase the state’s payment error rate, resulting in significant federal penalties, as happened recently in Maine.
4. **Strike Sec. 5101.546** – This section would prevent Ohio from exercising SNAP state options relating to Categorical Eligibility. This provision would require Ohio to reinstitute an asset test, which bars most households from participating in SNAP if they have more than \$2,250 in assets. It would also prevent Ohio from ever raising SNAP’s gross income limit above 130% of the federal poverty line to address the benefit cliff experienced by many working families.
5. **Strike Sec. 5101.547** – This section would make child support cooperation mandatory in order to participate in SNAP. This would take food away from families with children who do not want to risk their safety to pursue a formal child support arrangement, as explained by the Ohio Domestic Violence Network in previous testimony. It would also be both expensive to administer and ineffective, as detailed in previous testimony from the Ohio Child Support Enforcement Agencies Directors’ Association.
6. **Strike Sec. 5163.50 (A)(3)(a) and (b)** – This section would require quarterly reviews of Medicaid eligibility and monthly reviews of out-of-state EBT transactions for the purpose of determining state residency. Quarterly reviews would quadruple the amount of work that county JFS offices must process. The EBT provision is likely unallowable under federal Medicaid law and would waste taxpayer resources with costly lawsuits. It is also important to note that it is not unlawful to use EBT benefits out-of-state, and many Ohio residents in border counties regularly and appropriately cross state lines to access full-scale grocery stores.
7. **Strike Sec. 5163.51 (A), (B), (C), and (D)(1)** – This section would prevent Medicaid from conducting post-enrollment verification, designating itself as a qualified health entity for the purposes of presumptive eligibility, and accepting self-attestation of income or receipt of other health insurance coverage. This section would also require Medicaid to “periodically” check any available income-related data sources to verify eligibility. These are complicated changes to summarize in the time I have, but this Committee should know that these provisions do not comply with federal Medicaid law.
8. **Strike Sec. 5163.52 (B)** – This section would require Medicaid to complete an audit within 60 days of the expiration of the federal Public Health Emergency, including redetermining eligibility for all Medicaid recipients, completing all new data matching proposed elsewhere in Senate Bill 17, and submitting a report summarizing the audit results to the legislature. These provisions would be virtually impossible for county JFS offices to complete without jeopardizing program integrity in all other programs they administer (like SNAP, Child Care Assistance, and Child Support). It would also likely be error prone, potentially leading to significant federal penalties.

9. **Strike Sec. 5166.37** – This section would extend Medicaid work requirements to workers age 55-65 years old, pregnant women, parents of children older than 1 year old, and people with disabilities that are not “medically certified.” Withholding health insurance from these groups is inappropriate, especially in the midst of the COVID-19 pandemic.
10. **Strike Sec. 5166.45** – This section would require Ohio to seek a waiver to (1) prevent Medicaid from accepting an eligibility determination from any health benefit exchange; (2) lock eligible Ohioans out of Medicaid for 6 months if they fail to report any change in circumstances; (3) prevent hospitals from using Presumptive Eligibility for Medicaid; (4) Require Medicaid redeterminations every 6 months instead of every 12 months; and (5) Prevent Medicaid from redetermining eligibility based on readily available data or providing recipients with a prepopulated renewal form. Such a waiver would prevent eligible Ohioans from accessing much-needed healthcare, significantly reduce funding for Ohio’s hospitals, and increase costs for county JFS offices. This entire section is also incompatible for federal Medicaid law and would be denied under any administration, Democrat or Republican.

Finally, I would like to remind this Committee that Ohio families enrolled in SNAP receive less than \$4 per person per day in benefits that can only be used to purchase groceries. The SNAP program already has strong anti-fraud protections, as detailed in a recent paper I worked on with the Center for Community Solutions. Rather than erecting new barriers to SNAP, I encourage this Committee to consider legislation that would streamline SNAP renewal processes for our most vulnerable neighbors and improve the application experience for Ohioans who are struggling to feed their families.

On behalf of the entire Saint Paschal Baylon Social Action Commission, thank you again for the opportunity to testify on Senate Bill 17, and I would be happy to answer any questions you may have.

Rachel Cahill  
Chair, Saint Paschal Baylon Social Action Commission  
[spsocialaction@gmail.com](mailto:spsocialaction@gmail.com)

Janet T. Mills  
Governor



Maine Department of Health and Human Services  
Commissioner's Office  
11 State House Station  
109 Capitol Street  
Augusta, Maine 04333-0011  
Tel: (207) 287-3707; Fax: (207) 287-3005  
TTY: Dial 711 (Maine Relay)

Jeanne M. Lambrew, Ph.D.  
Commissioner

March 23, 2021

Senator Ned Claxton, Chair  
Representative Michele Meyer, Chair  
Members, Joint Standing Committee on Health and Human Services  
100 State House Station  
Augusta, ME 04333-0100

Re: LD 287 – An Act To Require Electronic Benefits Transfer Cards To Be Printed With The Beneficiary's Photograph

Senator Claxton, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

This letter is to provide information regarding LD 287, An Act To Require Electronic Benefits Transfer Cards to Be Printed With The Beneficiary's Photograph. Each electronic benefit transfer (EBT) card would be replaced with one that includes the picture of the head of the respective Food Supplement (also known as SNAP) household.

The Department has a robust Fraud Investigation and Recovery Unit and Program Integrity Team and does not agree that this bill will improve program integrity or reduce SNAP benefits trafficking. A 2018 study conducted by the Congressional Research Service found that photos on EBT cards had little to no effect on trafficking of benefits<sup>1</sup>.

It should be noted that it is allowable for another household member or trusted person to use an EBT card if they have the appropriate PIN number. Food Supplement recipients in the household may be illegally denied by a retailer if their picture is not the one on the card.

Based on the Department's previous experience with photo EBT cards, the costs incurred, and the requirements placed on states that implement photo EBT cards (found at 7 F.C.R. § 274.8), we strongly suggest LD 287 be opposed.

If this bill passes and all EBT cards were replaced with photo EBT cards, the replacement cost in the first year of implementation is estimated at \$186,000 for the card stock and mailing. Additional administrative cost would include training for statewide eligibility staff and an additional 16 full time Customer Representative Associate II's (one per regional office) is estimated to be over \$1 million annually. The Office of Information Technology (OIT) estimates the cost for technology and personnel in the first year to be \$87,000 with an annual data storage cost of \$23,000.

We wanted you to be aware of the above information as you consider this bill going forward.

Sincerely,

DocuSigned by:  
A handwritten signature in blue ink, appearing to read 'Anthony Pelotte'.

8974206D2C84451  
Anthony Pelotte, Director, Office for Family Independence

<sup>1</sup> <https://fas.org/sgp/crs/misc/R45147.pdf>