

**As Passed by the House**

**132nd General Assembly**

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**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**

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**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, <del>as amended, and the</del> regulations adopted thereunder, <u>and this section</u> governing the following:	104
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(a) Eligibility requirements for the supplemental nutrition assistance program;	108
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(b) Sanctions for failure to comply with eligibility requirements;	110
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(c) Allotment of supplemental nutrition assistance program benefits;	112
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(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
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(e) Administration of the program by county departments of job and family services;	120
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(f) Other requirements necessary for the efficient administration of the program.	122
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(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
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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