



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 119*

132nd General Assembly

(As Reported by S. Health, Human Services, and Medicaid)

Reps. Henne and McColley, 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, Rosenberger

BILL SUMMARY

Supplemental Nutrition Assistance Program

- Requires the Ohio Department of Job and Family Services (ODJFS) to accept applications, determine eligibility, and perform related administrative activities for the Supplemental Nutrition Assistance Program (SNAP).
- Permits ODJFS to assign these duties to any county department of job and family services.
- Requires ODJFS to verify at least certain information before certifying a household's eligibility for SNAP benefits, including information about citizenship and alien eligibility status, gross nonexempt income, enrollment status in other public assistance programs, and information related to potential identity fraud or theft.
- Exempts a household from the verification requirement if eligibility certification is being expedited.
- Requires ODJFS to require an applicant to verify the identity of the members of the applicant household before certifying eligibility for SNAP benefits.

* This analysis was prepared before the report of the Senate Health, Human Services, and Medicaid Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Requires county departments, on at least a quarterly basis and as they receive information, to review and act on available information that indicates a change of circumstances that may affect eligibility.
- Requires ODJFS to refer suspected fraud for an administrative disqualification hearing, to a county prosecutor for investigation, or both.

Medical assistance programs

- Requires that certain information be verified as part of the process of determining an applicant's eligibility for a medical assistance program administered by the Department of Medicaid, including information about citizenship and alien eligibility, gross nonexempt income, and enrollment in other programs.
- Requires each applicant for a medical assistance program to verify the applicant's identity as part of the eligibility determination process.
- Requires the Department and other entities involved in the eligibility determination process to review information as they receive it to determine whether it indicates a change of circumstances that may affect eligibility and take appropriate action.
- Requires that a medical assistance program recipient be referred to a county prosecutor for investigation, for an administrative disqualification hearing, or both if Medicaid eligibility fraud or a similar offense is suspected in the process of determining or redetermining the recipient's eligibility.

Multistate cooperatives to identify individuals in other states' programs

- Requires the Department of Medicaid and ODJFS to explore joining multistate cooperatives, such as the National Accuracy Clearinghouse, to identify individuals enrolled in public assistance programs in other states.

Board of Nursing's substance use disorder monitoring program

- Replaces the term "chemical dependency" with the term "substance use disorder" in statutes governing the Board of Nursing's monitoring program for individuals who abuse alcohol or drugs.

Effective date

- Provides for the bill's provisions, other than the provision regarding the Board of Nursing's substance use disorder monitoring program, to go into effect on July 1, 2019.



CONTENT AND OPERATION

Supplemental Nutrition Assistance Program

The bill establishes requirements for the administration of Ohio's participation in the federal food stamp program, which is now known as the Supplemental Nutrition Assistance Program (SNAP).¹ SNAP distributes food assistance benefits to eligible households that have income of less than 130% of the federal poverty level and meet other eligibility requirements. The federal government pays the full cost of SNAP benefits and shares the cost of administering the program with the states. Eligibility rules and benefit levels are set by the federal government and are uniform across the nation, but states have some flexibility regarding program administration.²

Because SNAP is largely governed by federal law, few program administration requirements are included in the Ohio Revised Code. The bill establishes specific requirements for administration of the program and eligibility verification in Ohio.

Administration

Current law permits the Ohio Department of Job and Family Services (ODJFS) to accept applications, determine eligibility, and perform related administrative activities for SNAP. The bill requires ODJFS to carry out these duties. It also expressly permits ODJFS to assign these duties to any county department of job and family services. Additionally, ODJFS is expressly permitted by the bill, except as prohibited by federal law, to assign any of its duties governing the administration of SNAP to any county department.³ Continuing law already requires county departments to (1) perform any duties assigned by ODJFS regarding the provision of public family services, (2) certify eligible households for SNAP, and (3) administer the distribution of SNAP benefits under ODJFS's supervision.⁴

¹ R.C. 5101.47(A)(1) and 5101.54(F) to (K).

² Center on Budget and Policy Priorities, *Policy Basics: Introduction to the Supplemental Nutrition Assistance Program (SNAP)* <http://www.cbpp.org/research/policy-basics-introduction-to-the-supplemental-nutrition-assistance-program-snap>.

³ R.C. 5101.47(A)(1) and (J).

⁴ R.C. 329.04(A)(1) and 329.042, not in the bill.



Information and identity required to be verified

The bill requires ODJFS, in order to verify household eligibility as required by federal regulations and state law, to verify at least the following information before, except in expedited cases, certifying SNAP benefits:

- (1) Household composition;
- (2) Identity;
- (3) Citizenship and alien eligibility status;
- (4) Social Security numbers;
- (5) State residency status;
- (6) Disability status;
- (7) Gross nonexempt income;
- (8) Utility expenses;
- (9) Medical expenses;
- (10) Enrollment status in other state-administered public assistance programs both within and outside Ohio.

Any available information related to potential identity fraud or identity theft.⁵

Continuing law requires that a household's eligibility for SNAP benefits be certified in an expedited process under certain circumstances. The bill provides that there is no limit on the number of times a household may receive expedited certification of eligibility as long as all of the information the bill requires to be verified was verified for the household at the last expedited certification or the household's eligibility was certified under normal processing standards since the last expedited certification.⁶

Regarding obtaining the information, the bill requires ODJFS to sign a memorandum of understanding with any department, agency, or division as needed. ODJFS may contract with independent vendors to provide the information. The bill specifies that its provisions concerning information that must be reviewed do not prohibit ODJFS or a county department from receiving or reviewing additional

⁵ R.C. 5101.54(C) and (F)(1) and (2).

⁶ R.C. 5101.54(B).



information related to eligibility or contracting with independent vendors to provide information in addition to that which the bill requires.⁷

Under the bill, ODJFS must require an applicant, or person acting on an applicant's behalf, to verify the identity of the members of the applicant household as part of the application process for public assistance and before certifying SNAP benefits. The verification must be done in a manner consistent with federal regulations.⁸

Changes in circumstances

In accordance with federal law, current Ohio administrative rules specify reporting requirements for SNAP recipients concerning changes in circumstances.⁹ Separate from recipient reporting, the bill requires county departments, as they receive information, to review and act on information that indicates a change of circumstances that may affect eligibility, to the extent the information is available to ODJFS. Such reviews must be conducted on at least a quarterly basis and in a manner consistent with federal regulations.¹⁰

If ODJFS receives information concerning a household certified to receive SNAP benefits that indicates a change in circumstances that may affect eligibility, ODJFS must take action in accordance with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and notifying the household of the right to a fair hearing.¹¹

Suspected fraud

If ODJFS suspects fraud, the bill requires it to refer the case for an administrative disqualification hearing, to the county prosecutor of the county in which the applicant or recipient resides for investigation, or both.¹²

Rules

ODJFS is required by the bill to adopt rules to implement it. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119).¹³

⁷ R.C. 5101.54(F)(5).

⁸ R.C. 5101.54(F)(4).

⁹ Ohio Administrative Code 5101:4-7-01.

¹⁰ R.C. 5101.54(F)(3).

¹¹ R.C. 5101.54(G).

¹² R.C. 5101.54(H).



Medical assistance programs

Information and identity required to be verified

The Department of Medicaid administers the Medicaid program, the Children's Health Insurance Program (CHIP), and the Refugee Medical Assistance program, collectively referred to as medical assistance programs in state law.¹⁴ The bill requires that certain information about applicants for medical assistance programs be verified as part of the process of determining the applicant's eligibility. Specifically, all of the following information must be verified:

- (1) Identity;
- (2) Citizenship and alien eligibility;
- (3) Social Security numbers;
- (4) State residency status;
- (5) Disability status;
- (6) Gross nonexempt income;
- (7) Household status;
- (8) Medical expenses;

(9) Enrollment status in other state-administered public assistance programs within and outside Ohio.¹⁵

The Department is required to sign a memorandum of understanding with any department, agency, or division as needed to obtain the information that the bill requires be verified. The Department is permitted to contract with one or more independent vendors to provide the information.¹⁶

¹³ R.C. 5101.54(K).

¹⁴ R.C. 5160.01, not in the bill.

¹⁵ R.C. 5160.29(A).

¹⁶ R.C. 5160.29(C).



Each applicant for a medical assistance program is required by the bill to verify the applicant's identity as part of the eligibility determination process. If a person acts on an applicant's behalf in the process, the person is to verify the applicant's identity.¹⁷

The bill provides that it does not prevent the Department or an entity that accepts applications and makes eligibility determinations for medical assistance programs on the Department's behalf from (1) receiving or reviewing information related to individuals' eligibility for a medical assistance program beyond the information that the bill requires be verified or (2) contracting with one or more independent vendors to provide such additional information for that purpose.¹⁸

Change in circumstances

The bill gives the Department, and entities that accept applications and make eligibility determinations for medical assistance programs on the Department's behalf, certain duties as the Department or entities receive available information that the bill requires be verified. The Department and entities must review the information to determine whether it indicates a change in circumstances that may affect eligibility for a medical assistance program and take appropriate action. If the information indicates a change of circumstances that may affect a medical assistance program recipient's continued eligibility, the appropriate actions include verifying unclear information, providing written notice of a change or adverse action, and notifying the recipient of the right to appeal.¹⁹

Suspected fraud

The bill requires that a medical assistance program recipient be referred for investigation to the county prosecutor of the county in which the recipient resides, referred for an administrative disqualification hearing, or both, if a violation of the criminal offense of Medicaid eligibility fraud or a similar offense is suspected in the process of determining or redetermining the recipient's eligibility.²⁰

Multistate cooperatives to identify individuals in other states' programs

Continuing law requires the Department of Medicaid to enter into any necessary agreements with the U.S. Department of Health and Human Services and neighboring

¹⁷ R.C. 5160.29(B).

¹⁸ R.C. 5160.293.

¹⁹ R.C. 5160.291.

²⁰ R.C. 5160.292.



states to join and participate as an active member in the Public Assistance Reporting Information System. The bill also requires the Department to explore joining other multistate cooperatives, such as the National Accuracy Clearinghouse, to identify individuals enrolled in public assistance programs in other states. ODJFS is also required by the bill to explore this. The bill permits the Department of Medicaid to disclose information regarding a medical assistance program recipient to the extent necessary to participate as an active member in another multistate cooperative. The Department has such authority under continuing law regarding the Public Assistance Reporting Information System.²¹

Board of Nursing's substance use disorder monitoring program

Current law permits the Board of Nursing to abstain from taking disciplinary action against an individual whose occupation is regulated by the Board if the individual has a chemical dependency and the Board finds that the individual can be treated effectively and there is no impairment of the individual's ability to practice according to acceptable and prevailing standards of safe care. The Board must establish a chemical dependency monitoring program to monitor individuals against whom the Board abstains from taking action.

The bill replaces the term "chemical dependency" with the term "substance use disorder" and provides for the latter term to have the same meaning that the former term has under current law: (1) the chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others or (2) the use of a controlled substance, harmful intoxicant, or dangerous drug to the extent that the user becomes physically or psychologically dependent on the substance, intoxicant, or drug and endangers the user's health, safety, or welfare or that of others.²² The new term reflects updates to the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-5).

Effective date

The bill's provisions, other than the provision regarding the Board of Nursing's substance use disorder monitoring program, are to take effect on July 1, 2019.²³ The provision regarding the Board of Nursing's monitoring program is to take effect the 91st day after the bill is filed with the Secretary of State.

²¹ R.C. 5101.54(F)(6) and R.C. 5160.47.

²² R.C. 4723.35 (primary), 4723.06, and 4723.28.

²³ Section 3.



HISTORY

ACTION	DATE
Introduced	03-08-17
Reported, H. Community & Family Advancement	10-26-17
Passed House (80-14)	11-01-17
Reported, S. Health, Human Services & Medicaid	---

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