



# OHIO LEGISLATIVE SERVICE COMMISSION

---

## Bill Analysis

Lisa Musielewicz

### **Sub. H.B. 340**

132nd General Assembly  
(As Passed by the House)

**Reps.** Young, Becker, Dean, Hambley, Hill, Seitz, Brenner, Anielski, Antonio, Arndt, Barnes, Boggs, Boyd, Brown, Carfagna, Celebrezze, Craig, Cupp, Dever, Edwards, Fedor, Galonski, Gavarone, Ginter, Green, Greenspan, Hagan, Henne, Holmes, Hoops, Householder, Hughes, Johnson, Keller, Kent, Landis, Lanese, Lang, LaTourette, Leland, Manning, Miller, O'Brien, Patton, Pelanda, Perales, Reineke, Rezabek, Riedel, Rogers, Ryan, Schaffer, Scherer, Sheehy, Slaby, R. Smith, Sprague, Stein, Strahorn, Sweeney, Thompson, West

---

## **BILL SUMMARY**

- Requires the Ohio Department of Job and Family Services, Ohio Department of Medicaid, county departments of job and family services, public children services agencies, and Medicaid managed care organizations to provide access to information about assistance recipients to entities administering assistance programs.
- Requires child support enforcement agencies to provide access to information included in a child support order to entities administering assistance or children's protective services programs.

---

## **CONTENT AND OPERATION**

While Ohio law generally prohibits the use or disclosure of information about applicants for and recipients of public and medical assistance programs, it does allow the Ohio Department of Job and Family Services (ODJFS), the Ohio Department of Medicaid (ODM), county departments of job and family services, and public children services agencies to release information in certain circumstances.<sup>1</sup> The bill makes five main changes to this law, including requiring – rather than just permitting – the departments and agencies, including child support enforcement agencies and Medicaid

---

<sup>1</sup> R.C. 5101.27, 5101.99, 5160.45, 5160.46, and 5160.99.

managed care organizations, to provide access to information to entities administering federal or state assistance programs.

### **Required access; Medicaid managed care**

First, where existing law authorizes ODJFS, a county department of job and family services, or a public children services agency to release information about public assistance applicants and recipients to specified entities, the bill instead *requires* them to provide access to the information. The bill also requires ODM and Medicaid managed care organizations to provide access to information about medical assistance applicants and recipients to those same entities.<sup>2</sup>

At present, ODJFS, county departments of job and family services, and public children services agencies may release information about public assistance applicants and recipients under the following circumstances: (1) to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need, (2) to a government entity responsible for administering a children's protective services program, or (3) if authorized to do so by the applicant or recipient.<sup>3</sup> Under the bill, ODJFS, county departments of job and family services, and public children services agencies are required, not just authorized, to provide the entities and programs access to the information.<sup>4</sup>

Existing law also requires ODJFS, county departments of job and family services, and public children services agencies to release information about a public assistance applicant or recipient to a government entity responsible for administering that public assistance program for purposes directly connected to the program's administration. Similarly, ODM must release information about a medical assistance applicant or recipient for the following purposes directly connected to the program's administration: payment, treatment, or any administrative function or duty.<sup>5</sup> The bill maintains both of these requirements, and, in the case of information regarding medical assistance recipients or applicants, extends the requirement to include disclosure by Medicaid managed care organizations.<sup>6</sup>

---

<sup>2</sup> R.C. 5101.27(B), 5160.45(D), and 5167.15.

<sup>3</sup> R.C. 5101.27(D).

<sup>4</sup> R.C. 5101.27.

<sup>5</sup> R.C. 5160.45.

<sup>6</sup> R.C. 5167.15.



The bill also maintains ODM authority to disclose information regarding a medical assistance recipient to certain individuals or entities, including the following: courts; recipients and applicants or their representatives, legal guardians, or attorneys; and authorized recipients of electronic medical records.<sup>7</sup> The bill extends to Medicaid managed care organizations the same authority to disclose.<sup>8</sup>

### **Cross-sharing of public assistance and medical assistance information**

Second, the bill requires that government entities administering medical assistance programs be provided access to information about public assistance applicants and recipients, while also requiring that government entities administering public assistance programs be provided access to information about medical assistance applicants and recipients.<sup>9</sup> Current law does not allow for this information to be shared across the two types of assistance programs.

### **Child support orders**

Third, the bill requires child support enforcement agencies as well as ODJFS, county departments of job and family services, and public children services agencies to provide access to information included in a child support order as follows:

(1) To an entity administering a federal or state assistance program or service, including a medical assistance program;

(2) For the purpose of protecting children, to a government entity responsible for administering a children's protective services program.<sup>10</sup>

### **Attorney General opinion**

Fourth, if ODJFS, ODM, a county department of job and family services, child support enforcement agency, or public children services agency determines that it cannot comply with the bill, ODJFS or ODM must ask the Attorney General to prepare a formal opinion on whether the department or agency can comply. The bill also requires ODJFS or ODM to provide a copy of the opinion to the General Assembly not later than ten days after receiving it.<sup>11</sup>

---

<sup>7</sup> R.C. 5160.45(E).

<sup>8</sup> R.C. 5167.15.

<sup>9</sup> R.C. 5101.27(B) and 5160.45(D).

<sup>10</sup> R.C. 5101.26(A), and 5101.27(B)(2) and (6).

<sup>11</sup> R.C. 5101.27(E) and 5160.45(H).

## Prohibition on improper disclosure – mental state

Fifth, the bill specifies a culpable mental state for the existing prohibition on the improper disclosure or use of information. Ohio law prohibits the disclosure or use of information regarding a public assistance or medical assistance applicant or recipient for any purpose not directly connected with the administration of a public assistance or medical assistance program, except in specified circumstances.<sup>12</sup> Under the bill, a person or government entity is prohibited from *knowingly* disclosing or using the information.

Current law provides that a person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that those circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.<sup>13</sup>

### Definitions

"**Public assistance**" is defined by current law as financial assistance or social services provided under a program administered by ODJFS, a county department of job and family services, or public children services agency. It does not include medical assistance provided under a medical assistance program.<sup>14</sup>

"**Medical assistance program**" is defined by current law as the Medicaid program, Children's Health Insurance program, Refugee Medical Assistance program, or any other program that provides medical assistance and that state law authorizes ODM to administer.<sup>15</sup>

---

<sup>12</sup> R.C. 5101.27(A) and 5160.45(B).

<sup>13</sup> R.C. 2901.22(B).

<sup>14</sup> R.C. 5101.26.

<sup>15</sup> R.C. 5160.01.



---

## HISTORY

ACTION	DATE
Introduced	09-11-17
Reported, H. Community & Family Advancement	12-14-17
Passed House (96-0)	01-17-18

H0340-PH-132.docx/ts

