

## **As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**S. B. No. 17**

**Senator Schaffer**

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## **A BILL**

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

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

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

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

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

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

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

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

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

<u>a first claim or additional claim for benefits allows a claimant to qualify for benefits.</u>	49
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<u>Sec. 4141.351. The director of job and family services shall develop a written policy regarding the recovery of unemployment benefit overpayments. In the policy, the director shall do all of the following:</u>	51
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<u>(A) Prioritize the recovery of benefit overpayments that resulted from fraudulent misrepresentation;</u>	55
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<u>(B) Require the recovery of benefit overpayments to the fullest extent permitted under state and federal law, regardless of whether the overpayment resulted from fraudulent misrepresentation or reasons other than fraudulent misrepresentation;</u>	57
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<u>(C) Require a record to be made any time a benefit overpayment is not recovered because of an exception to recovery in state or federal law;</u>	62
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<u>(D) Require the department to cooperate with the United States department of labor, or its successor department, to the greatest extent possible with respect to the detection, prevention, and recovery of overpayments resulting from fraudulent misrepresentation, including participating in all voluntary programs and agreements intended to reduce benefit fraud that are made available to the state.</u>	65
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<u>Sec. 4141.60. (A) Beginning one year after the effective date of this section, and every year thereafter, the director of job and family services shall prepare a report that includes all of the following information with respect to the year covered by the report:</u>	72
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<u>(1) The rate of consistency in performing the checks</u>	77

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

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

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 registrar a form prescribed by the registrar by rule giving express consent to such disclosures.	192 193 194
(n) For use by a person, state, or state agency that requests the information, if the person, state, or state agency demonstrates that it has obtained the written consent of the individual to whom the information pertains;	195 196 197 198
(o) For any other use specifically authorized by law that is related to the operation of a motor vehicle or to public safety.	199 200 201
(3) (a) Except as provided in division (B) (3) (b) of this section, the registrar, or an employee or contractor of the bureau of motor vehicles, may disclose sensitive personal information about an individual that the bureau obtained in connection with a motor vehicle record, only if either of the following conditions are satisfied:	202 203 204 205 206 207
(i) 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 disclosure;	208 209 210 211
(ii) The disclosure is for one or more of the purposes described in division (B) (2) (a), (d), (g), or (j) of this section.	212 213 214
(b) Division (B) (3) (a) of this section does not apply to the disclosure of sensitive personal information that is subject to section 4501.15 or 4507.53 of the Revised Code.	215 216 217
<u>(4) Notwithstanding section 4507.53 of the Revised Code or any provision of this section, the registrar, or an employee or contractor of the bureau of motor vehicles, may disclose an</u>	218 219 220

<u>individual's photograph or digital image to the department of job and family services for purposes of section 5101.331 of the Revised Code.</u>	221
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(C) On and after September 13, 1997, an authorized recipient of personal information about an individual that the bureau of motor vehicles obtained in connection with a motor vehicle record, other than a recipient under division (B)(2)(1) or (m) of this section, may resell or redisclose the personal information only for a use permitted under division (B)(1), (B)(2)(a) to (k), (B)(2)(n), or (B)(2)(o) of this section. On and after September 13, 1997, an authorized recipient of personal information about an individual under division (B)(2)(1) of this section may resell or redisclose the information for any purpose. On and after September 13, 1997, an authorized recipient of personal information under division (B)(2)(m) of this section may resell or redisclose the information as specified pursuant to that division. On and after September 13, 1997, an authorized recipient of personal information about an individual under division (B) of this section, other than a recipient under division (B)(2)(1) of this section, that resells or rediscloses any personal information covered by this section must keep for a period of five years a record that identifies each person or entity that receives any of the personal information and the permitted purpose for which the information is to be used, and must make all such records available to the registrar of motor vehicles upon the registrar's request.	224
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(D) The registrar may establish and carry out procedures under which the registrar or the registrar's agents, upon receipt of a request for personal information on or after September 13, 1997, that does not satisfy any of the criteria for disclosure of the information that are set forth in division	247
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(B) (1) or (2) of this section, may notify the individual about whom the information was requested, by regular mail, that the request was made. Any procedures so adopted shall provide that, if the registrar or an agent of the registrar mails the notice to the individual, the registrar or agent shall include with the notice a copy of the request and conspicuously shall include in the notice a statement that the information will not be released unless the individual waives the individual's right to privacy regarding the information that is granted under this section.

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

(F) As used in this section:

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

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

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

"Personal information" does not include information pertaining to a vehicular accident, driving or traffic violation, or driver's status.	281 282 283
(4) "Specified federal automobile-related act" means the <u>"automobile information disclosure act, " "Automobile Information Disclosure Act,"</u> 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 U.S.C. 1901, et seq., the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the "Anti-car Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et seq., and the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et seq., all as now or hereafter amended.	284 285 286 287 288 289 290 291 292
(5) "Sensitive personal information" means an individual's photograph or digital image, social security number, or medical or disability information.	293 294 295
<b>Sec. 5101.33.</b> (A) As used in this section, "benefits" means any of the following:	296 297
(1) Cash assistance paid under Chapter 5107. of the Revised Code;	298 299
(2) Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code;	300 301
(3) Any other program administered by the department of job and family services under which assistance is provided or service rendered;	302 303 304
(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer.	305 306 307 308

(B) <u>The Subject to section 5101.331 of the Revised Code,</u>	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 the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;	338 339 340 341
(2) A fee for having the benefits provided through the electronic benefit transfer system.	342 343
(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.	344 345 346 347 348
(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section <u>and section 5101.331 of the</u> <u>Revised Code.</u>	349 350 351 352
<b><u>Sec. 5101.331. (A) Except as otherwise provided in this</u></b> <b><u>section, each debit card used to access supplemental nutrition</u></b> <b><u>assistance program benefits shall include both of the following:</u></b>	353 354 355
(1) <u>On the front of the card, a color photograph of at</u> <u>least one adult member of the household for which the debit card</u> <u>is issued;</u>	356 357 358
(2) <u>On the back of the card, a telephone number that can</u> <u>be called to report suspected fraud under the supplemental</u> <u>nutrition assistance program and the address of a web site where</u> <u>suspected fraud can be reported.</u>	359 360 361 362
(B) <u>Not later than one year after the effective date of</u> <u>this section, the department of job and family services, in</u> <u>consultation with the bureau of motor vehicles and the food and</u> <u>nutrition services of the United States department of</u>	363 364 365 366

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

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

(7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of supplemental nutrition assistance program benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. <u>The rules shall be consistent with sections 5101.545 to 5101.548 of the Revised Code.</u> The rules shall be consistent with 7 U.S.C. 2015, including its work and employment and training requirements, and, to the extent practicable, shall provide for the recipients to participate in work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code.	424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441
(8) <u>Adopt—Subject to sections 5101.545 to 5101.548 of the Revised Code,</u> rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, the regulations adopted thereunder, and this section governing the following:	442 443 444 445 446
(a) Eligibility requirements for the supplemental nutrition assistance program;	447 448
(b) Sanctions for failure to comply with eligibility requirements;	449 450
(c) Allotment of supplemental nutrition assistance program benefits;	451 452

(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;	453 454 455 456 457 458
(e) Administration of the program by county departments of job and family services;	459 460
(f) Other requirements necessary for the efficient administration of the program.	461 462
<del>(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 nutrition assistance program benefits and participating in Ohio works first.</del>	463 464 465 466 467 468 469 470 471
(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:	472 473 474 475 476 477 478
(1) The results of the application interview indicate that the household will be eligible upon full verification;	479 480
(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  
identified in this section or from contracting with one or more  
independent vendors to provide additional information not  
identified in this section. 566  
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(6) The department shall ~~explore joining~~ join a multistate  
cooperative, such as the national accuracy clearinghouse, to  
identify individuals enrolled in public assistance programs  
outside of this state. 570  
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(G) If the department receives information concerning a  
household certified to receive supplemental nutrition assistance  
program benefits that indicates a change in circumstances that  
may affect eligibility, the department shall 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. 574  
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(H) In the case of suspected fraud, the department shall  
refer the case for an administrative disqualification hearing or  
to the county prosecutor of the county in which the applicant or  
recipient resides for investigation, or both. 582  
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(I) The department shall adopt rules in accordance with  
Chapter 119. of the Revised Code to implement divisions (F) to  
(H) of this section. 586  
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(J) Except as prohibited by federal law, the department  
may assign any of the duties described in this section to any  
county department of job and family services. 589  
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**Sec. 5101.542.** Immediately following a county department  
of job and family services' certification that a household  
determined under division (B) of section 5101.54 of the Revised 592  
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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 610  
7 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

<u>section, the department shall submit the report quarterly to the speaker of the house of representatives, the senate president, and the members of the standing legislative committees having jurisdiction over the supplemental nutrition assistance program.</u>	653
<u>The department shall submit the report in accordance with section 101.68 of the Revised Code.</u>	654
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<u><b>Sec. 5120.212. Notwithstanding division (A) of section 5120.21 of the Revised Code, the department of rehabilitation and correction shall share the records described in that division with the director of job and family services to the extent necessary to effectuate the data matching agreement required under section 4141.287 of the Revised Code.</b></u>	659
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<u><b>Sec. 5163.01. As used in this chapter:</b></u>	665
<u>"Caretaker relative"</u> has the same meaning as in 42 C.F.R. 435.4 as that regulation is amended effective January 1, 2014.	666
<u>667</u>	667
<u>"Expansion eligibility group"</u> means the medicaid eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).	668
<u>669</u>	669
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<u>"Federal financial participation"</u> has the same meaning as in section 5160.01 of the Revised Code.	672
<u>673</u>	673
<u>"Federal poverty line"</u> has the same meaning as in section 5162.01 of the Revised Code.	674
<u>675</u>	675
<u>"Healthy start component"</u> has the same meaning as in section 5162.01 of the Revised Code.	676
<u>677</u>	677
<u>"Home and community-based services medicaid waiver component"</u> has the same meaning as in section 5166.01 of the Revised Code.	678
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"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.	684 685 686 687
"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
<u>"Parents and other caretaker relatives eligibility group"</u> <u>means the medicaid eligibility group that 42 C.F.R. 435.110</u> <u>requires the medicaid program to cover.</u>	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.

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

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

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

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

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

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<u>following:</u>	738
<u>(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.</u>	739 740 741
<u>(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.</u>	742 743 744 745
<u>(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.</u>	746 747 748
<u><b>Sec. 5163.51.</b> 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:</u>	749 750 751 752
<u>(A) Conduct post-enrollment verification of income or nonincome-related eligibility instead of verifying income and nonincome-related eligibility before enrollment;</u>	753 754 755
<u>(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;</u>	756 757 758
<u>(C) Accept self-attestation of income or receipt of other health insurance coverage;</u>	759 760
<u>(D) Request approval from the United States centers for medicare and medicaid services to not exercise both of the following requirements:</u>	761 762 763
<u>(1) To periodically check any available income-related data sources to verify eligibility;</u>	764 765

(2) To comply with the public notice requirements related  
to proposed changes to the medicaid state plan, as required  
under 42 C.F.R. 447.205, 42 C.F.R. 447.57, and 42 C.F.R.  
440.386. 766  
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**Sec. 5163.52.** If the department of medicaid receives  
federal funding for the medicaid program that is contingent on a  
temporary maintenance of effort restriction or that otherwise  
limits the department's ability to disenroll ineligible medicaid  
recipients, such as the requirements under Section 6008 of the  
"Families First Coronavirus Response Act," Pub. L. No. 116-127,  
the department shall do both of the following: 770  
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(A) Continue to conduct eligibility redeterminations under  
the medicaid program and act on those redeterminations to the  
fullest extent permitted under federal law and regulations. 777  
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(B) Within sixty days of the expiration of the restriction  
or limitation, complete an audit in which the department does  
all of the following: 780  
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(1) Completes and acts on eligibility redeterminations for  
all medicaid recipients for whom a redetermination has not been  
conducted in the past twelve months; 783  
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(2) Requests approval from the United States centers for  
medicare and medicaid services to conduct and act on eligibility  
redeterminations on all medicaid recipients who were enrolled  
for three or more months during the period of restriction or  
limitation; the department shall, within sixty days of any such  
approval, conduct and act on the redeterminations; 786  
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(3) Carries out an additional check of all information  
available to the department from agreements under section  
5163.50 of the Revised Code to verify the eligibility of all  
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<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
<b>Sec. 5166.01.</b> 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
<del>section 5163.01 of the Revised Code means the medicaid</del>	819
<del>eligibility group described in section 1902(a)(10)(A)(i)(VIII)</del>	820
<del>of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)</del>	821
<del>(VIII).</del>	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 5164.01 of the Revised Code.	851 852
"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	853 854
"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under <u>section</u> <u>1115 or 1915</u> of the "Social Security Act," <del>section 1115 or 1915,</del> 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system.	855 856 857 858 859 860
"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).	861 862 863 864
"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	865 866
"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.	867 868 869 870
<u>"Parents and other caretaker relatives eligibility group"</u> <u>has the same meaning as in section 5163.01 of the Revised Code.</u>	871 872
"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.	873 874
"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family	875 876 877 878

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

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

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

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

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

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

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

~~(D) Be—~~

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

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

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

addiction treatment program;	906
(E) Have -.	907
(3) The individual is medically certified as physically or mentally unfit for employment because of an intensive physical health care needs need or serious mental illness.	908 909 910
(4) The individual personally provides care for either or both of the following:	911 912
(a) A child who is under one year of age;	913
(b) A child who has a medical condition or disability that the medicaid director determines is serious enough to warrant an exemption under this division.	914 915 916
<b>Sec. 5166.45.</b> (A) The medicaid director shall establish waiver components to do all of the following:	917 918
(1) Notwithstanding 42 U.S.C. 1396w-3(b) (1) (B), permit the department, or an agency authorized by an agreement entered into under division (B) of section 5160.30 of the Revised Code, to independently verify a medical assistance recipient's eligibility for a medical assistance program before accepting an eligibility determination for the recipient made by a health benefit exchange established by the state government of Ohio or an exchange established by the United States secretary of health and human services in accordance with the "Patient Protection and Affordable Care Act," 42 U.S.C. 18041;	919 920 921 922 923 924 925 926 927 928
(2) Prohibit the following adults from being eligible for or re-enrolling in the program for a period of six months if the individual fails to report any change in circumstance that affects the recipient's eligibility for the medicaid program:	929 930 931 932
(a) An adult eligible for medicaid on the basis of being	933

<u>included in the category identified by the department of medicaid as covered families and children;</u>	934 935
<u>(b) An adult eligible for medicaid on the basis of being included in the expansion eligibility group described in section 1902(a)(1)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396(a)(1)(A)(i)(VIII);</u>	936 937 938 939
<u>(3) Not exercise the requirement of 42 U.S.C. 1396a(a)47(B) that authorizes a hospital to determine if an individual is eligible for the medicaid program during a presumptive eligibility period.</u>	940 941 942 943
<u>(4) Determine a medicaid recipient's eligibility once every six months, instead of once every twelve months as required by 42 C.F.R. 435.916(a).</u>	944 945 946
<u>(5) Not exercise the requirements of 42 C.F.R. 435.916(a) to redetermine a recipient's eligibility based on information available to the department without requiring information from the recipient and to provide the recipient with a prepopulated renewal form.</u>	947 948 949 950 951
<u>(B) The department shall report to the speaker of the house of representatives, the senate president, and the members of the joint medicaid oversight committee receipt of approval by the United States centers for medicare and medicaid services of a waiver submitted under this section.</u>	952 953 954 955 956
<b>Section 2.</b> That existing sections 4501.27, 5101.33, 5101.54 5101.542, 5163.01, 5163.07, 5166.01, and 5166.37 of the Revised Code are hereby repealed.	957 958 959
<b>Section 3.</b> Not later than 90 days after the effective date of this section, the Department of Medicaid shall submit to the Centers for Medicare and Medicaid Services the waiver requests	960 961 962

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