

**As Introduced**

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**H. B. No. 331**

**Representative Hagan**

**Cosponsors: Representatives Yuko, Stewart, Foley, Ujvagi, Boyd, Domenick,  
Koziura, Skindell, Phillips, Brown, Harris, Murray**

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**A B I L L**

To amend sections 5101.54, 5107.12, and 5111.013 and 1  
to enact sections 5101.87 and 5101.871 of the 2  
Revised Code to require applicants for the 3  
Children's Health Insurance Program, Medicaid, 4  
Ohio Works First, and Supplemental Nutrition 5  
Assistance Program to provide information about 6  
their employers and to require quarterly reports 7  
identifying the employers. 8

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

**Section 1.** That sections 5101.54, 5107.12, and 5111.013 be 9  
amended and sections 5101.87 and 5101.871 of the Revised Code be 10  
enacted to read as follows: 11

**Sec. 5101.54.** (A) The director of job and family services 12  
shall administer the supplemental nutrition assistance program in 13  
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 14  
et seq.). The department may: 15

(1) Prepare and submit to the secretary of the United States 16  
department of agriculture a plan for the administration of the 17  
supplemental nutrition assistance program; 18

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters. The form for the application shall comply with section 5101.87 of the Revised Code.

(3) Require such reports and information from each county department of job and family services as may be necessary and advisable;

(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;

(5) Conduct such investigations as are necessary;

(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;

(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. The rules shall be consistent with 7 U.S.C. 2015 and, to the extent practicable, may provide for the recipients to participate in work activities, developmental activities, and alternative work activities established under sections 5107.40 to

5107.69 of the Revised Code that are comparable to programs 50  
authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules 51  
adopted under section 5107.05 of the Revised Code governing work 52  
activities, developmental activities, and alternative work 53  
activities established under sections 5107.40 to 5107.69 of the 54  
Revised Code. 55

(8) Adopt rules in accordance with section 111.15 of the 56  
Revised Code that are consistent with the Food and Nutrition Act 57  
of 2008, as amended, and regulations adopted thereunder governing 58  
the following: 59

(a) Eligibility requirements for the supplemental nutrition 60  
assistance program; 61

(b) Sanctions for failure to comply with eligibility 62  
requirements; 63

(c) Allotment of supplemental nutrition assistance program 64  
benefits; 65

(d) To the extent permitted under federal statutes and 66  
regulations, a system under which some or all recipients of 67  
supplemental nutrition assistance program benefits subject to 68  
employment and training requirements established by rules adopted 69  
under division (A)(7) of this section receive the benefits after 70  
satisfying the requirements; 71

(e) Administration of the program by county departments of 72  
job and family services; 73

(f) Other requirements necessary for the efficient 74  
administration of the program. 75

(9) Submit a plan to the United States secretary of 76  
agriculture for the department of job and family services to 77  
operate a simplified supplemental nutrition assistance program 78  
pursuant to 7 U.S.C. 2035 under which requirements governing the 79

Ohio works first program established under Chapter 5107. of the 80  
Revised Code also govern the supplemental nutrition assistance 81  
program in the case of households receiving supplemental nutrition 82  
assistance program benefits and participating in Ohio works first. 83  
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(B) A household that is entitled to receive supplemental 85  
nutrition assistance program benefits and that is determined to be 86  
in immediate need of nutrition assistance, shall receive 87  
certification of eligibility for program benefits, pending 88  
verification, within twenty-four hours, or, if mitigating 89  
circumstances occur, within seventy-two hours, after application, 90  
if: 91

(1) The results of the application interview indicate that 92  
the household will be eligible upon full verification; 93

(2) Information sufficient to confirm the statements in the 94  
application has been obtained from at least one additional source, 95  
not a member of the applicant's household. Such information shall 96  
be recorded in the case file, and shall include: 97

(a) The name of the person who provided the name of the 98  
information source; 99

(b) The name and address of the information source; 100

(c) A summary of the information obtained. 101

The period of temporary eligibility shall not exceed one 102  
month from the date of certification of temporary eligibility. If 103  
eligibility is established by full verification, benefits shall 104  
continue without interruption as long as eligibility continues. 105

At the time of application, the county department of job and 106  
family services shall provide to a household described in this 107  
division a list of community assistance programs that provide 108  
emergency food. 109

(C) All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive supplemental nutrition assistance program benefits without charge under the Food and Nutrition Act of 2008.

(E) Any person who applies for the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code.

Sec. 5101.87. (A) As used in this section and section 5111.871 of the Revised Code:

(1) "Children's health insurance program" means the children's health insurance program parts I, II, and III provided for by sections 5101.50 to 5101.529 of the Revised Code.

(2) "Employer" means any individual, sole proprietorship, partnership, limited liability company, corporation, or any other entity that is doing business in this state. "Employer" also includes all entities or persons that are controlled by or affiliated with any such individual, sole proprietorship, partnership, limited liability company, corporation, or other entity. Whether an entity or person is controlled by or affiliated with another shall be determined by applying the principles set forth on January 1, 1993, in subsections 414(b) and (c) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 414, except that a voting power of fifty-one per cent shall be applied to the determination of control or affiliation.

(3) "Medicaid" means the medical assistance program provided for under Title XIX of the "Social Security Act of 1935," 42

<u>U.S.C. 1396 et seq.</u>	140
<u>(4) "Ohio works first" means the program provided for by Chapter 5107. of the Revised Code.</u>	141 142
<u>(5) "Supplemental nutrition assistance program" means the program provided for by the "Food and Nutrition Act of 2008," U.S.C. 2011 et seq.</u>	143 144 145
<u>(B) Application forms for the children's health insurance program, medicaid, Ohio works first, and supplemental nutrition assistance program shall provide for the applicant to specify the name and address of each of the applicant's employers and the name and address of each employer of each individual whose income is to be counted in determining the applicant's eligibility for the children's health insurance program, medicaid, Ohio works first, or supplemental nutrition assistance program.</u>	146 147 148 149 150 151 152 153
<u>Sec. 5101.871. (A) The director of job and family services shall quarterly complete a report that specifies all of the following:</u>	154 155 156
<u>(1) The name and address of each employer that employed fifty or more employees who were either of the following while employed by the employer in this state during the previous three-month period:</u>	157 158 159 160
<u>(a) Recipients of the children's health insurance program, medicaid, Ohio works first, or supplemental nutrition assistance program;</u>	161 162 163
<u>(b) Individuals whose incomes were counted in determining eligibility for the children's health insurance program, medicaid, Ohio works first, or supplemental nutrition assistance program.</u>	164 165 166
<u>(2) The number of individuals required to be specified under division (A)(1) of this section employed in the previous three-month period by each employer specified in the report;</u>	167 168 169

(3) The total cost to the state for the previous three-month period of providing benefits under the children's health insurance program, medicaid, Ohio works first, or supplemental nutrition assistance program to employees of each of the employers specified in the report, specified separately for each employer. 170  
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(B) The quarterly reports are a public record under section 149.43 of the Revised Code. The reports shall not include any identifying information about any employee specified under division (A)(1) of this section. 175  
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(C) The director of job and family services shall provide a copy of the quarterly reports to all of the following: 179  
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(1) Each member of the general assembly; 181

(2) The director of development; 182

(3) The director of budget and management or, if the director designates an employee of the office of budget and management to serve on the controlling board in the director's place, the designated employee; 183  
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(4) Each member of the tax credit authority. 187

The director of development, members of the controlling board, and members of the tax credit authority shall consider the information included in the report when determining whether to grant an employer a contract, award, subsidy, or incentive or to approve such a contract, award, subsidy, or incentive. The director of development, controlling board, and tax credit authority shall notify the director of job and family services of the impact the report has on decisions regarding contracts, awards, subsidies, and incentives. 188  
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(D) Not later than one year after the effective date of this section, the director of job and family services shall make the quarterly reports available on a searchable internet web site. The 197  
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internet web site shall include information provided to the 200  
director by the director of development, controlling board, and 201  
tax credit authority regarding the impact the report has on 202  
decisions regarding contracts, awards, subsidies, and incentives. 203

**Sec. 5107.12.** An assistance group seeking to participate in 204  
the Ohio works first program shall apply to a county department of 205  
job and family services using an application containing 206  
information the director of job and family services requires 207  
pursuant to rules adopted under section 5107.05 of the Revised 208  
Code and any additional information the county department 209  
requires. The application shall comply with section 5101.87 of the 210  
Revised Code. If cash assistance under the program is to be paid 211  
by the director of budget and management through the medium of 212  
direct deposit as provided by section 329.03 of the Revised Code, 213  
the application shall be accompanied by information the director 214  
needs to make direct deposits. 215

When a county department receives an application for 216  
participation in Ohio works first, it shall promptly make an 217  
investigation and record of the circumstances of the applicant in 218  
order to ascertain the facts surrounding the application and to 219  
obtain such other information as may be required. Upon the 220  
completion of the investigation, the county department shall 221  
determine as soon as possible whether the applicant is eligible to 222  
participate, the amount of cash assistance the applicant should 223  
receive, and the approximate date when participation shall begin. 224  
The county department shall not delay making the determination of 225  
whether the applicant is eligible to participate on the basis that 226  
the individuals required by section 5107.14 of the Revised Code to 227  
enter into a written self-sufficiency contract with the county 228  
department have not yet done that. The amount of cash assistance 229  
so determined shall be certified to the department of job and 230  
family services in such form as the department shall prescribe. 231

Warrants, direct deposits, or debit cards shall be delivered or 232  
made payable in the manner the department may prescribe. 233

To the extent required by rules adopted under section 5107.05 234  
of the Revised Code, a participant of Ohio works first shall 235  
notify the county department immediately upon the receipt or 236  
possession of additional income not previously reported to the 237  
county department. Any failure to so notify a county department 238  
shall be regarded as prima-facie evidence of an intent to defraud. 239

**Sec. 5111.013.** (A) The provision of medical assistance to 240  
pregnant women and young children who are eligible for medical 241  
assistance under division (A)(3) of section 5111.01 of the Revised 242  
Code, but who are not otherwise eligible for medical assistance 243  
under that section, shall be known as the healthy start program. 244

(B) The department of job and family services shall do all of 245  
the following with regard to the application procedures for the 246  
healthy start program: 247

(1) Establish a short application form for the program that 248  
requires the applicant to provide no more information than is 249  
necessary for making determinations of eligibility for the healthy 250  
start program, except that the form may require applicants to 251  
provide their social security numbers and shall comply with 252  
section 5101.87 of the Revised Code. The form shall include a 253  
statement, which must be signed by the applicant, indicating that 254  
she does not choose at the time of making application for the 255  
program to apply for assistance provided under any other program 256  
administered by the department and that she understands that she 257  
is permitted at any other time to apply at the county department 258  
of job and family services of the county in which she resides for 259  
any other assistance administered by the department. 260

(2) To the extent permitted by federal law, do one or both of 261  
the following: 262

(a) Distribute the application form for the program to each public or private entity that serves as a women, infants, and children clinic or as a child and family health clinic and to each administrative body for such clinics and train employees of each such agency or entity to provide applicants assistance in completing the form;

(b) In cooperation with the department of health, develop arrangements under which employees of county departments of job and family services are stationed at public or private agencies or entities selected by the department of job and family services that serve as women, infants, and children clinics; child and family health clinics; or administrative bodies for such clinics for the purpose both of assisting applicants for the program in completing the application form and of making determinations at that location of eligibility for the program.

(3) Establish performance standards by which a county department of job and family services' level of enrollment of persons potentially eligible for the program can be measured, and establish acceptable levels of enrollment for each county department.

(4) Direct any county department of job and family services whose rate of enrollment of potentially eligible enrollees in the program is below acceptable levels established under division (B)(3) of this section to implement corrective action. Corrective action may include but is not limited to any one or more of the following to the extent permitted by federal law:

(a) Establishing formal referral and outreach methods with local health departments and local entities receiving funding through the bureau of maternal and child health;

(b) Designating a specialized intake unit within the county department for healthy start applicants;

(c) Establishing abbreviated timeliness requirements to shorten the time between receipt of an application and the scheduling of an initial application interview;	294 295 296
(d) Establishing a system for telephone scheduling of intake interviews for applicants;	297 298
(e) Establishing procedures to minimize the time an applicant must spend in completing the application and eligibility determination process, including permitting applicants to complete the process at times other than the regular business hours of the county department and at locations other than the offices of the county department.	299 300 301 302 303 304
(C) To the extent permitted by federal law, local funds, whether from public or private sources, expended by a county department for administration of the healthy start program shall be considered to have been expended by the state for the purpose of determining the extent to which the state has complied with any federal requirement that the state provide funds to match federal funds for medical assistance, except that this division shall not affect the amount of funds the county is entitled to receive under section 5101.16, 5101.161, or 5111.012 of the Revised Code.	305 306 307 308 309 310 311 312 313
(D) The director of job and family services shall do one or both of the following:	314 315
(1) To the extent that federal funds are provided for such assistance, adopt a plan for granting presumptive eligibility for pregnant women applying for healthy start;	316 317 318
(2) To the extent permitted by federal medicaid regulations, adopt a plan for making same-day determinations of eligibility for pregnant women applying for healthy start.	319 320 321
(E) A county department of job and family services that maintains offices at more than one location shall accept applications for the healthy start program at all of those	322 323 324

locations. 325

(F) The director of job and family services shall adopt rules 326

in accordance with section 111.15 of the Revised Code as necessary 327

to implement this section. 328

**Section 2.** That existing sections 5101.54, 5107.12, and 329

5111.013 of the Revised Code are hereby repealed. 330