

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 298**

**Representatives Roegner, Rosenberger**

**Cosponsors: Representatives Martin, Maag, Derickson, Newbold, Beck,  
Adams, J., Conditt, Wachtmann, Buchy, Hayes, Young, Brenner, Butler,  
Grossman, Slaby, Blessing, Henne, Huffman, Boose, McClain, Hall, Bulp,  
Goodwin, Burke, Uecker, Dovilla, Thompson, Gardner, Blair**

—

**A B I L L**

To amend sections 3701.027, 5101.46, and 5101.461 and 1  
to enact sections 3701.033 and 5101.101 of the 2  
Revised Code to prioritize the distribution of 3  
funds for family planning services. 4

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

**Section 1.** That sections 3701.027, 5101.46, and 5101.461 be 5  
amended and sections 3701.033 and 5101.101 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 3701.027.** The department of health shall administer 8  
funds received from the "Maternal and Child Health Block Grant," 9  
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 10  
U.S.C.A. 701, as amended, for programs including the program for 11  
medically handicapped children, and to provide technical 12  
assistance and consultation to city and general health districts 13  
and local health planning organizations in implementing local, 14  
community-based, family-centered, coordinated systems of care for 15  
medically handicapped children. The department may make grants to 16

persons and other entities for the provision of services with the 17  
funds. In addition, the department may use the funds to purchase 18  
liability insurance covering the provision of services under the 19  
programs by physicians and other health care professionals, and to 20  
pay health insurance premiums on behalf of medically handicapped 21  
children participating in the program for medically handicapped 22  
children when the department determines, in accordance with 23  
criteria set forth in rules adopted under division (A)(9) of 24  
section 3701.021 of the Revised Code, that payment of the premiums 25  
is cost effective. 26

In determining eligibility for services provided with funds 27  
received from the "Maternal and Child Health Block Grant," the 28  
department may use the application form established under section 29  
5111.013 of the Revised Code. The department may require 30  
applicants to furnish their social security numbers. 31

Funds from the "Maternal and Child Health Block Grant" that 32  
are administered for the purpose of providing family planning 33  
services shall be awarded to entities in accordance with section 34  
3701.033 of the Revised Code. 35

Sec. 3701.033. (A) All funds distributed by the department of 36  
health for the purpose of providing family planning services, 37  
including funds the department receives through the "Maternal and 38  
Child Health Block Grant," Title V of the "Social Security Act," 39  
95 Stat. 818 (1981), 42 U.S.C. 701, as amended, and through Title 40  
X of the "Public Health Service Act," 84 Stat. 1504 (1970), 42  
U.S.C. 300a, as amended, shall be awarded as follows: 42

(1) The department shall award funds with foremost priority 43  
given to eligible public entities that provide family planning 44  
services, including community health clinics and similar health 45  
facilities operated by state, county, or local government 46  
entities. 47

(2) To the extent funds are available after the department determines that all eligible public entities have been fully funded under division (A)(1) of this section, the department may award funds to nonpublic entities in the following order of descending priority: 48  
49  
50  
51  
52

(a) Federally qualified health centers, as defined in section 3701.047 of the Revised Code; 53  
54

(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services; 55  
56

(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services. 57  
58  
59

(B) This section does not apply to grants awarded by the department under section 3701.046 of the Revised Code. 60  
61

**Sec. 5101.101.** (A) All funds distributed by the department of job and family services for the purpose of providing family planning services, including funds the department receives through Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and funds received through Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for purposes of providing Title XX social services, shall be awarded as follows: 62  
63  
64  
65  
66  
67  
68  
69

(1) The department shall award funds with foremost priority given to eligible public entities that provide family planning services, including community health clinics and similar health facilities operated by state, county, or local government entities. 70  
71  
72  
73  
74

(2) To the extent funds are available after the department determines that all eligible public entities have been fully funded under division (A)(1) of this section, the department may 75  
76  
77

award funds to nonpublic entities in the following order of 78  
descending priority: 79

(a) Federally qualified health centers, as defined in section 80  
3701.047 of the Revised Code; 81

(b) Nonpublic entities that provide comprehensive primary and 82  
preventive care services in addition to family planning services; 83

(c) Nonpublic entities that provide family planning services, 84  
but do not provide comprehensive primary and preventive care 85  
services. 86

(B) This section does not apply to the medicaid program. 87

**Sec. 5101.46.** (A) As used in this section: 88

(1) "Title XX" means Title XX of the "Social Security Act," 89  
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 90

(2) "Respective local agency" means, with respect to the 91  
department of job and family services, a county department of job 92  
and family services; with respect to the department of mental 93  
health, a board of alcohol, drug addiction, and mental health 94  
services; and with respect to the department of developmental 95  
disabilities, a county board of developmental disabilities. 96

(3) "Federal poverty guidelines" means the poverty guidelines 97  
as revised annually by the United States department of health and 98  
human services in accordance with section 673(2) of the "Omnibus 99  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 100  
9902, as amended, for a family size equal to the size of the 101  
family of the person whose income is being determined. 102

(B) The departments of job and family services, mental 103  
health, and developmental disabilities, with their respective 104  
local agencies, shall administer the provision of social services 105  
funded through grants made under Title XX. The social services 106  
furnished with Title XX funds shall be directed at the following 107

goals:	108
(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;	109 110
(2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;	111 112
(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;	113 114 115
(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;	116 117 118
(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.	119 120 121
(C)(1) All federal funds received under Title XX shall be appropriated as follows:	122 123
(a) Seventy-two and one-half per cent to the department of job and family services;	124 125
(b) Twelve and ninety-three <del>one-hundredths</del> <u>one-hundredths</u> per cent to the department of mental health;	126 127
(c) Fourteen and fifty-seven <del>one-hundredths</del> <u>one-hundredths</u> per cent to the department of developmental disabilities.	128 129
(2) Each state department shall, subject to the approval of the controlling board, develop formulas for the distribution of their Title XX appropriations to their respective local agencies. The formulas shall take into account the total population of the area that is served by the agency, the percentage of the population in the area that falls below the federal poverty guidelines, and the agency's history of and ability to utilize Title XX funds.	130 131 132 133 134 135 136 137

(3) Each of the state departments shall expend no more than 138  
three per cent of its Title XX appropriation for state 139  
administrative costs. Each of the department's respective local 140  
agencies shall expend no more than fourteen per cent of its Title 141  
XX appropriation for local administrative costs. 142

(4) The department of job and family services shall expend no 143  
more than two per cent of its Title XX appropriation for the 144  
training of the following: 145

(a) Employees of county departments of job and family 146  
services; 147

(b) Providers of services under contract with the state 148  
departments' respective local agencies; 149

(c) Employees of a public children services agency directly 150  
engaged in providing Title XX services. 151

(5) Title XX funds that are distributed for the purpose of 152  
providing family planning services shall be awarded to entities by 153  
the respective local agencies according to the priority order 154  
established in section 5101.101 of the Revised Code. 155

(D) The department of job and family services shall prepare a 156  
biennial comprehensive Title XX social services plan on the 157  
intended use of Title XX funds. The department shall develop a 158  
method for obtaining public comment during the development of the 159  
plan and following its completion. 160

For each state fiscal year, the department of job and family 161  
services shall prepare a report on the actual use of Title XX 162  
funds. The department shall make the annual report available for 163  
public inspection. 164

The departments of mental health and developmental 165  
disabilities shall prepare and submit to the department of job and 166  
family services the portions of each biennial plan and annual 167

report that apply to services for mental health and mental 168  
retardation and developmental disabilities. Each respective local 169  
agency of the three state departments shall submit information as 170  
necessary for the preparation of biennial plans and annual 171  
reports. 172

(E) Each county department shall adopt a county profile for 173  
the administration and provision of Title XX social services in 174  
the county. In developing its county profile, the county 175  
department shall take into consideration the comments and 176  
recommendations received from the public by the county family 177  
services planning committee pursuant to section 329.06 of the 178  
Revised Code. As part of its preparation of the county profile, 179  
the county department may prepare a local needs report analyzing 180  
the need for Title XX social services. 181

The county department shall submit the county profile to the 182  
board of county commissioners for its review. Once the county 183  
profile has been approved by the board, the county department 184  
shall file a copy of the county profile with the department of job 185  
and family services. The department shall approve the county 186  
profile if the department determines the profile provides for the 187  
Title XX social services to meet the goals specified in division 188  
(B) of this section. 189

(F) Any of the three state departments and their respective 190  
local agencies may require that an entity under contract to 191  
provide social services with Title XX funds submit to an audit on 192  
the basis of alleged misuse or improper accounting of funds. If an 193  
audit is required, the social services provider shall reimburse 194  
the state department or local agency for the cost it incurred in 195  
conducting the audit or having the audit conducted. 196

If an audit demonstrates that a social services provider is 197  
responsible for one or more adverse findings, the provider shall 198  
reimburse the appropriate state department or its respective local 199

agency the amount of the adverse findings. The amount shall not be 200  
reimbursed with Title XX funds received under this section. The 201  
three state departments and their respective local agencies may 202  
terminate or refuse to enter into a Title XX contract with a 203  
social services provider if there are adverse findings in an audit 204  
that are the responsibility of the provider. 205

(G) The department of job and family services may adopt rules 206  
to implement and carry out the purposes of this section. Rules 207  
governing financial and operational matters of the department or 208  
matters between the department and county departments of job and 209  
family services shall be adopted as internal management rules in 210  
accordance with section 111.15 of the Revised Code. Rules 211  
governing eligibility for services, program participation, and 212  
other matters pertaining to applicants and participants shall be 213  
adopted in accordance with Chapter 119. of the Revised Code. 214

**Sec. 5101.461.** (A) As used in this section: 215

(1) "Title IV-A" means Title IV-A of the "Social Security 216  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 217

(2) "Title XX" has the same meaning as in section 5101.46 of 218  
the Revised Code. 219

(B) To the extent authorized by federal law, the department 220  
of job and family services may use funds received through the 221  
Title IV-A temporary assistance for needy families block grant for 222  
purposes of providing Title XX social services. The amount used 223  
under this section shall not exceed the maximum amount permitted 224  
by federal law. The funds and provision of Title XX social 225  
services with the funds are not subject to section 5101.46 of the 226  
Revised Code. 227

Funds that are distributed under this section for the purpose 228  
of providing family planning services shall be awarded to entities 229

by a county department of job and family services according to the 230  
priority order established in section 5101.101 of the Revised 231  
Code. 232

(C) The department and any county department of job and 233  
family services may require an entity under contract to provide 234  
Title XX social services with funds used under this section to 235  
submit to an audit on the basis of alleged misuse or improper 236  
accounting of funds. If an audit is required, the social services 237  
provider shall reimburse the state department or county department 238  
for the cost it incurred in conducting the audit or having the 239  
audit conducted. 240

If an audit demonstrates that a social services provider is 241  
responsible for one or more adverse findings, the provider shall 242  
reimburse the state department or county department the amount of 243  
the adverse findings. The amount shall not be reimbursed with 244  
funds received under this section. The state department and county 245  
departments may terminate or refuse to enter into a contract with 246  
a social services provider to provide services with funds 247  
available pursuant to this section if there are adverse findings 248  
in an audit that are the responsibility of the provider. 249

(D) The state department of job and family services may adopt 250  
rules to implement and carry out the purposes of this section. 251  
Rules governing financial and operational matters of the 252  
department or matters between the department and county 253  
departments of job and family services shall be adopted as 254  
internal management rules in accordance with section 111.15 of the 255  
Revised Code. Rules governing eligibility for services, program 256  
participation, and other matters pertaining to applicants and 257  
participants shall be adopted in accordance with Chapter 119. of 258  
the Revised Code. 259

**Section 2.** That existing sections 3701.027, 5101.46, and 260  
5101.461 of the Revised Code are hereby repealed. 261