

As Reported by the House Health and Aging Committee

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Representatives Roegner, Rosenberger

**Cosponsors: Representatives Martin, Maag, Derickson, Newbold, Beck,
Adams, J., Conditt, Wachtmann, Buchy, Hayes, Young, Brenner, Butler,
Grossman, Slaby, L., Blessing, Henne, Huffman, Boose, McClain, Hall, Bubp,
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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 are operated by state 44
entities or county or other local government entities and that 45
provide or are able to provide family planning services. 46

(2) To the extent funds are available after the department 47

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

(a) Nonpublic entities that are federally qualified health 52
centers or federally qualified health center look-alikes, as 53
defined in section 3701.047 of the Revised Code, or community 54
action agencies, as defined in section 122.66 of the Revised Code; 55

(b) Nonpublic entities that provide comprehensive primary and 56
preventive care services in addition to family planning services; 57

(c) Nonpublic entities that provide family planning services, 58
but do not provide comprehensive primary and preventive care 59
services. 60

(B) This section does not apply to grants awarded by the 61
department under section 3701.046 of the Revised Code. 62

Sec. 5101.101. (A) All funds distributed by the department of 63
job and family services for the purpose of providing family 64
planning services, including funds the department receives through 65
Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 66
U.S.C. 1397, as amended, and funds received through Title IV-A of 67
the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, 68
as amended, to be used for purposes of providing Title XX social 69
services, shall be awarded as follows: 70

(1) The department shall award funds with foremost priority 71
given to eligible public entities that are operated by state 72
entities or county or other local government entities and that 73
provide or are able to provide family planning services. 74

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

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

(a) Nonpublic entities that are federally qualified health 80
centers or federally qualified health center look-alikes, as 81
defined in section 3701.047 of the Revised Code, or community 82
action agencies, as defined in section 122.66 of the Revised Code; 83

(b) Nonpublic entities that provide comprehensive primary and 84
preventive care services in addition to family planning services; 85

(c) Nonpublic entities that provide family planning services, 86
but do not provide comprehensive primary and preventive care 87
services. 88

(B) This section does not apply to the medicaid program. 89

Sec. 5101.46. (A) As used in this section: 90

(1) "Title XX" means Title XX of the "Social Security Act," 91
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 92

(2) "Respective local agency" means, with respect to the 93
department of job and family services, a county department of job 94
and family services; with respect to the department of mental 95
health, a board of alcohol, drug addiction, and mental health 96
services; and with respect to the department of developmental 97
disabilities, a county board of developmental disabilities. 98

(3) "Federal poverty guidelines" means the poverty guidelines 99
as revised annually by the United States department of health and 100
human services in accordance with section 673(2) of the "Omnibus 101
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 102
9902, as amended, for a family size equal to the size of the 103
family of the person whose income is being determined. 104

(B) The departments of job and family services, mental 105
health, and developmental disabilities, with their respective 106
local agencies, shall administer the provision of social services 107

funded through grants made under Title XX. The social services	108
furnished with Title XX funds shall be directed at the following	109
goals:	110
(1) Achieving or maintaining economic self-support to	111
prevent, reduce, or eliminate dependency;	112
(2) Achieving or maintaining self-sufficiency, including	113
reduction or prevention of dependency;	114
(3) Preventing or remedying neglect, abuse, or exploitation	115
of children and adults unable to protect their own interests, or	116
preserving, rehabilitating, or reuniting families;	117
(4) Preventing or reducing inappropriate institutional care	118
by providing for community-based care, home-based care, or other	119
forms of less intensive care;	120
(5) Securing referral or admission for institutional care	121
when other forms of care are not appropriate, or providing	122
services to individuals in institutions.	123
(C)(1) All federal funds received under Title XX shall be	124
appropriated as follows:	125
(a) Seventy-two and one-half per cent to the department of	126
job and family services;	127
(b) Twelve and ninety-three one-hundredths per cent to the	128
department of mental health;	129
(c) Fourteen and fifty-seven one-hundredths per cent to the	130
department of developmental disabilities.	131
(2) Each of the state departments shall, subject to the	132
approval of the controlling board, develop a formula for the	133
distribution of the Title XX funds appropriated to the department	134
to its respective local agencies. The formula developed by each	135
state department shall take into account all of the following for	136
each of its respective local agencies:	137

(a) The total population of the area that is served by the respective local agency;	138 139
(b) The percentage of the population in the area served that falls below the federal poverty guidelines;	140 141
(c) The respective local agency's history of and ability to utilize Title XX funds.	142 143
(3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department.	144 145 146
Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules.	147 148 149 150 151 152 153 154
(4) The department of job and family services shall expend for the training of the following not more than two per cent of the Title XX funds appropriated to the department:	155 156 157
(a) Employees of county departments of job and family services;	158 159
(b) Providers of services under contract with the state departments' respective local agencies;	160 161
(c) Employees of a public children services agency directly engaged in providing Title XX services.	162 163
<u>(5) Title XX funds that are distributed for the purpose of providing family planning services shall be awarded to entities by the respective local agencies according to the priority order established in section 5101.101 of the Revised Code.</u>	164 165 166 167

(D) The department of job and family services shall prepare 168
an annual comprehensive Title XX social services plan on the 169
intended use of Title XX funds. The department shall develop a 170
method for obtaining public comment during the development of the 171
plan and following its completion. 172

For each federal fiscal year, the department of job and 173
family services shall prepare a report on the actual use of Title 174
XX funds. The department shall make the annual report available 175
for public inspection. 176

The departments of mental health and developmental 177
disabilities shall prepare and submit to the department of job and 178
family services the portions of each annual plan and report that 179
apply to services for mental health and mental retardation and 180
developmental disabilities. Each respective local agency of the 181
three state departments shall submit information as necessary for 182
the preparation of annual plans and reports. 183

(E) Each county department of job and family services shall 184
adopt a county profile for the administration and provision of 185
Title XX social services in the county. In developing its county 186
profile, the county department shall take into consideration the 187
comments and recommendations received from the public by the 188
county family services planning committee pursuant to section 189
329.06 of the Revised Code. As part of its preparation of the 190
county profile, the county department may prepare a local needs 191
report analyzing the need for Title XX social services. 192

The county department shall submit the county profile to the 193
board of county commissioners for its review. Once the county 194
profile has been approved by the board, the county department 195
shall file a copy of the county profile with the department of job 196
and family services. The department shall approve the county 197
profile if the department determines the profile provides for the 198
Title XX social services to meet the goals specified in division 199

(B) of this section. 200

(F) Any of the three state departments and their respective 201
local agencies may require that an entity under contract to 202
provide social services with Title XX funds submit to an audit on 203
the basis of alleged misuse or improper accounting of funds. If an 204
audit is required, the social services provider shall reimburse 205
the state department or respective local agency for the cost it 206
incurred in conducting the audit or having the audit conducted. 207

If an audit demonstrates that a social services provider is 208
responsible for one or more adverse findings, the provider shall 209
reimburse the appropriate state department or its respective local 210
agency the amount of the adverse findings. The amount shall not be 211
reimbursed with Title XX funds received under this section. The 212
three state departments and their respective local agencies may 213
terminate or refuse to enter into a Title XX contract with a 214
social services provider if there are adverse findings in an audit 215
that are the responsibility of the provider. 216

(G) Except with respect to the matters for which each of the 217
state departments must adopt rules under division (C)(3) of this 218
section, the department of job and family services may adopt any 219
rules it considers necessary to implement and carry out the 220
purposes of this section. Rules governing financial and 221
operational matters of the department or matters between the 222
department and county departments of job and family services shall 223
be adopted as internal management rules in accordance with section 224
111.15 of the Revised Code. Rules governing eligibility for 225
services, program participation, and other matters pertaining to 226
applicants and participants shall be adopted in accordance with 227
Chapter 119. of the Revised Code. 228

Sec. 5101.461. (A) As used in this section: 229

(1) "Title IV-A" means Title IV-A of the "Social Security 230

Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 231

(2) "Title XX" has the same meaning as in section 5101.46 of 232
the Revised Code. 233

(B) To the extent authorized by federal law, the department 234
of job and family services may use funds received through the 235
Title IV-A temporary assistance for needy families block grant for 236
purposes of providing Title XX social services. The amount used 237
under this section shall not exceed the maximum amount permitted 238
by federal law. The funds and provision of Title XX social 239
services with the funds are not subject to section 5101.46 of the 240
Revised Code. 241

Funds that are distributed under this section for the purpose 242
of providing family planning services shall be awarded to entities 243
by a county department of job and family services according to the 244
priority order established in section 5101.101 of the Revised 245
Code. 246

(C) The department and any county department of job and 247
family services may require an entity under contract to provide 248
Title XX social services with funds used under this section to 249
submit to an audit on the basis of alleged misuse or improper 250
accounting of funds. If an audit is required, the social services 251
provider shall reimburse the state department or county department 252
for the cost it incurred in conducting the audit or having the 253
audit conducted. 254

If an audit demonstrates that a social services provider is 255
responsible for one or more adverse findings, the provider shall 256
reimburse the state department or county department the amount of 257
the adverse findings. The amount shall not be reimbursed with 258
funds received under this section. The state department and county 259
departments may terminate or refuse to enter into a contract with 260
a social services provider to provide services with funds 261

available pursuant to this section if there are adverse findings 262
in an audit that are the responsibility of the provider. 263

(D) The state department of job and family services may adopt 264
rules to implement and carry out the purposes of this section. 265
Rules governing financial and operational matters of the 266
department or matters between the department and county 267
departments of job and family services shall be adopted as 268
internal management rules in accordance with section 111.15 of the 269
Revised Code. Rules governing eligibility for services, program 270
participation, and other matters pertaining to applicants and 271
participants shall be adopted in accordance with Chapter 119. of 272
the Revised Code. 273

Section 2. That existing sections 3701.027, 5101.46, and 274
5101.461 of the Revised Code are hereby repealed. 275