



**Sub. S.B. 121\***

124th General Assembly  
(As Reported by H. Health & Family Services)

**Sens. Blessing, Fingerhut, Hagan, Robert Gardner, Mallory, Oelslager,  
Roberts, Brady, Mumper, Mead, Prentiss, Spada**

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**BILL SUMMARY**

**NEWBORN SCREENINGS**

- Requires the Director of Health to adopt rules specifying the disorders for which screenings of newborn children must be conducted.
- Creates the Newborn Screening Advisory Council to advise the Director and includes the Council in the process the Director uses to adopt rules specifying the disorders for which newborn screenings must be conducted.
- Requires the Director to select a laboratory to perform newborn screenings if the laboratory maintained by the Department of Health is unable to perform screenings for all of the disorders specified by the Director.
- Clarifies the distinction between any fee that is collected for laboratory services in the performance of newborn screenings and the fee that is collected for use in funding programs for individuals with genetic disorders.

**WELLNESS BLOCK GRANT PROGRAM**

- Eliminates the Children's Trust Fund Board's involvement in the Wellness Block Grant Program.

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*\* This analysis was prepared before the report of the House Health and Family Services Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

- Makes the Ohio Department of Job and Family Services (ODJFS) the administrative agent of the Wellness Block Grant Program.

### **CHILD ABUSE AND NEGLECT PREVENTION PROGRAMS**

- Requires that the Children's Trust Fund Board allocate funds, rather than make a block grant, to each county and multi-county child abuse and child neglect prevention advisory board for child abuse and child neglect prevention programs.
- Requires the Children's Trust Fund Board to also allocate funds for child abuse and child neglect prevention programs to entities other than the advisory boards.
- Requires an advisory board to provide effective public notice to potential applicants about the availability of funds from the Children's Trust Fund.
- Requires an advisory board to review applications for grants from the Children's Trust Fund using criteria the Children's Trust Fund Board, rather than the advisory board, specifies.
- Requires that each recipient of a Children's Trust Fund grant from an advisory board include in an annual report information the Children's Trust Fund Board, rather than the advisory board, requires.
- Requires that returned Children's Trust Fund grants be returned to the State Treasurer if an advisory board does not redistribute the grant within the state fiscal year in which the grant is received.
- Requires that five of the eight public members of the Children's Trust Fund Board be residents of different metropolitan statistical areas.
- Changes the manner in which the chairperson of the Children's Trust Fund Board is to be appointed and requires the vice-chair to be selected biennially from among its non-legislative members.
- Includes social workers with counselors among the groups and entities that may be represented on a county or multi-county child abuse and child neglect prevention advisory board.
- Prohibits a child abuse and child neglect prevention advisory board member from participating in the development of the advisory board's

comprehensive allocation plan if the member's judgment could be affected by a conflict of interest.

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## CONTENT AND OPERATION

### NEWBORN SCREENINGS

#### Screenings for disorders in newborn children

(sec. 3701.501)

Current law requires the testing of newborn children for the presence of the following diseases: phenylketonuria, homocystinuria, galactosemia, and hypothyroidism. The Public Health Council is authorized to adopt rules requiring tests for other genetic, endocrine, or metabolic disorders. For a disorder to be included by rule, the following conditions must be met: (1) the Council must determine that the disorder is treatable and causes disability when undiagnosed and untreated and (2) there must not be a need for taking additional blood samples or specimens. Under this provision, the Council has adopted rules requiring tests for such disorders as sickle cell disease and maple syrup urine disease.<sup>1</sup>

The bill eliminates the statutory list of disorders for which testing must be done. Under the bill, which refers to *screening* rather than *testing*, the disorders are to be specified solely through the adoption of rules. Instead of being adopted by the Public Health Council, the rules are to be adopted by the Director of Health with input from the Newborn Screening Advisory Council.<sup>2</sup>

#### Newborn Screening Advisory Council

Currently, an ad hoc newborn screening advisory council exists, but the council's duties are not expressed in statute. The bill creates the Newborn Screening Advisory Council in statute and expressly requires it to advise the Director regarding newborn screening. The Council is required to engage in an ongoing review of the newborn screening requirements and to provide recommendations and reports to the Director as requested and as the Council considers necessary. The Director is permitted to assign other duties to the Council as the Director considers appropriate.

The bill requires the Director to appoint the 14 members of the Council. In making appointments, the Director must select individuals and representatives of entities with interest and expertise in newborn screening, including such

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<sup>1</sup> *Ohio Administrative Code sec. 3701-45-02.*

<sup>2</sup> *The Public Health Council consists of seven members appointed by the Governor and is part of the Department of Health. It has no administrative duties, but has authority to adopt certain rules and make recommendations to the Director of Health.*

individuals and entities as health care professionals, hospitals, children's hospitals, regional genetic centers, regional sickle cell centers, newborn screening coordinators, and members of the public.

The bill requires the Department of Health to provide meeting space, staff services, and other technical assistance the Council requires in carrying out its duties. Members of the Council are to serve without compensation, except for reimbursement for actual and necessary expenses incurred in attending Council meetings or performing assignments for the Council.

The bill exempts the Council from the existing laws under which a new board or similar entity created by statute must expire after not more than four years, unless the General Assembly acts to extend its existence.<sup>3</sup>

**Determination of disorders to be included**

The bill requires the Newborn Screening Advisory Council to evaluate genetic, metabolic, and endocrine disorders to assist the Director in determining which disorders should be included in the required newborn screenings. In determining whether a disorder should be included, the Council must consider all of the following:

- (1) The disorder's incidence, mortality, and morbidity;
- (2) Whether the disorder causes disability if diagnosis, treatment, and early intervention are delayed;
- (3) The potential for successful treatment;
- (4) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder;
- (5) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen.

Based on these considerations, the Council is required to make recommendations to the Director for the adoption of rules specifying the disorders to be included. The bill requires the Director to review, promptly and thoroughly, each recommendation the Council submits. The rules are to be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.).

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<sup>3</sup> *The existing law is in Revised Code sections 101.82 through 107.87 (not in the bill).*

### *Standards and procedures for screening*

The bill requires the Director to adopt rules in accordance with the Administrative Procedure Act establishing standards and procedures for the screening of newborn children. In some cases, the Director's rules will be similar to or the same as rules that current law requires to be adopted by the Public Health Council. The bill specifies that the Director's rules must include standards and procedures for the following:

- (1) Causing rescreenings to be performed when initial screenings have abnormal results;
- (2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;
- (3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;
- (4) Communicating to the parents the screening and rescreening results;
- (5) Giving notice of the results to the person who caused the child to be screened or rescreened, or another person or government entity when the original person cannot be contacted;
- (6) Referring children with abnormal results to providers of follow-up services.

### *Laboratories*

Current law requires that all newborn screenings be performed by the chemical and bacteriological laboratory maintained by the Ohio Department of Health. The bill continues the requirement that the state laboratory be used, but provides for the use of another laboratory if the Director determines that the state laboratory is unable to perform the screenings for all of the disorders specified in rules adopted under the bill.

If this determination is made, the bill requires the Director to select the laboratory to be used by issuing a request for proposals. The bill permits the Director to select a laboratory located outside Ohio. At the conclusion of the selection process, the Director must enter into a written contract with the selected laboratory. If the Director determines that the laboratory is not complying with the terms of the contract, the Director must immediately terminate the contract. Another laboratory must be selected and contracted with in the same manner.

In the case of rescreenings, current law permits the use of laboratories other than the state laboratory if the Public Health Council adopts rules permitting that use and the laboratory has been approved by the Director for that purpose. The bill eliminates the requirement that rules be adopted permitting the use of other laboratories. Instead, it specifies in statute that rescreenings may be performed by one or more other laboratories designated by the Director. The bill provides that any laboratory the Director considers qualified to perform rescreenings may be designated, including a laboratory located outside Ohio. If more than one laboratory is designated, the bill provides that the person responsible for causing a rescreening to be performed is also responsible for selecting the laboratory to be used.

### **Use of fees**

(secs. 3701.23 and 3701.501(F))

Current law requires the adoption of rules establishing a fee for newborn screenings of not less than \$14. Of each fee collected, not less than \$10.25 must be deposited in the Genetics Services Fund and not less than \$3.75 must be deposited in the Sickle Cell Fund.

The bill specifies that the fee of not less than \$14 is a fee that is charged and collected in addition to or in conjunction with any laboratory fee that is charged and collected for performing a newborn screening. Under the bill, the rules establishing the additional fee cannot establish a fee that differs according to whether the screening is performed by the state laboratory or another laboratory selected by the Director because the state laboratory is unable to screen for all of the specified disorders.

## **WELLNESS BLOCK GRANT PROGRAM**

### **Administrative agent**

(secs. 121.371 and 3109.17(D))

Existing law provides for the Wellness Block Grant Program to be used to make grants to county family and children first councils to fund community-based programs of prevention services that address issues of broad social concern. The Ohio Family and Children First Cabinet Council is required to oversee the program.

Current law requires the Children's Trust Fund Board to serve as the program's administrative agent and permits the Board to accept gifts, donations, grants and other monies for the program from any source. To cover administrative



expenses, the Board is authorized by current law to use an amount not to exceed one percent of the total amount available for the program in a fiscal year.

The bill makes the Ohio Department of Job and Family Services (ODJFS) the administrative agent of the Wellness Block Grant Program instead of the Children's Trust Fund Board. The bill also eliminates provisions regarding the Board's acceptance of gifts and monies for the program and the use of a portion of the total amount available for the program to cover administrative expenses. The Ohio Family and Children First Cabinet Council is to determine by itself, rather than with the Board, the issues of broad social concern that community-based programs of prevention services that receive funds from the program are to address. The Cabinet Council is also to establish by itself, rather than with the Board, criteria for assessing a county council's progress in achieving the goals of the program and revise the allocation of funds that a county council receives if the county council does not operate in accordance with the program guidelines and criteria. The Board is no longer required to prepare an annual report detailing the program's results.

The bill eliminates the requirements that county councils submit to the Board a program and fiscal plan that outlines its proposals for expenditure of its grant and designate a fiscal agent to receive the grant. County councils are no longer required to submit program and fiscal accountings regarding the use of the grant.

## **CHILD ABUSE AND CHILD NEGLECT PREVENTION PROGRAMS**

### **Funding and oversight**

(secs. 3109.13, 3109.17, and 3109.18)

Existing law creates the Children's Trust Fund in the state treasury for the purpose of funding child abuse and child neglect prevention programs on the county level. Current law defines "child abuse and child neglect prevention programs" as programs designed to prevent child abuse and child neglect, including, but not limited to, any of the following:

- (1) Public awareness programs that pertain to child abuse or child neglect.
- (2) Community-based, family-focused support services and activities that build parenting skills; promote parental behaviors that lead to healthy and positive personal development of parents and children; promote individual, family, and community strengths; or provide information, education, or health activities that promote the well-being of families and children.

(3) Programs that train and place volunteers in programs that pertain to child abuse or child neglect.

The bill creates a new definition of "child abuse and child neglect prevention programs." Under the bill, child abuse and child neglect prevention programs are programs that use primary and secondary prevention strategies that are conducted at the local level and activities and projects of statewide significance designed to strengthen families and prevent child abuse and child neglect. "Primary prevention strategies" are defined as activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed. "Secondary prevention strategies" are defined as activities and services that are provided to a specific population identified as having risk factors for child abuse and child neglect and are designed to intervene at the earliest warning signs of child abuse or child neglect, or whenever a child can be identified as being at risk of abuse or neglect.

### **Distribution of funds**

The Children's Trust Fund Board is required, as part of its administration of a biennial state plan for comprehensive child abuse and child neglect prevention, to make a block grant to each county and multi-county child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs.<sup>4</sup> The bill requires that the Board allocate funds, rather than make a block grant, to the advisory boards. The bill also requires the Board to allocate funds to entities other than child abuse and child neglect prevention advisory boards for the purpose of funding child abuse and child neglect programs approved in the biennial state plan.

Each child abuse and child neglect prevention advisory board is required to make grants to child abuse and child neglect prevention programs consistent with a comprehensive allocation plan the advisory board develops for the purpose of preventing child abuse and child neglect.<sup>5</sup> Under current law, an advisory board is required to notify potential applicants about the availability of funds from the Children's Trust Fund. The bill requires instead that an advisory board provide effective public notice, as defined in ODJFS rules, to potential applicants about the

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<sup>4</sup> Existing law creates the Children's Trust Fund Board in ODJFS.

<sup>5</sup> Child abuse and child neglect prevention advisory boards must submit their allocation plan to the Children's Trust Fund Board.

availability of funds from the Children's Trust Fund.<sup>6</sup> The effective public notice must include an estimate of the amount of money available for grants within each county or district, the date of at least one public hearing, information on obtaining a copy of the grant application form, and the deadline for submitting grant applications.

Current law requires that applications for grants from the Children's Trust Fund be made to a child abuse and neglect prevention advisory board on forms ODJFS prescribes. The bill requires instead that applications be made on forms the Children's Trust Fund Board prescribes. The Children's Trust Fund Board must provide each advisory board a Children's Trust Fund application form.

Under current law, each advisory board must review all applications received using any criteria developed by the advisory board. The bill requires that the advisory boards use criteria the Children's Trust Fund Board specifies in its biennial state plan.

#### **Information from grant recipients**

Current law requires each recipient of a Children's Trust Fund grant from a child abuse and child neglect prevention advisory board to file with the advisory board a copy of an annual report that includes the information the advisory board requires. The bill requires instead that the annual report include information the Children's Trust Fund Board requires.

#### **Return of unspent grant funds**

Any grant funds not spent by a recipient of the funds within the time specified by the terms of the grant must be returned to the county treasurer. Under current law, any returned grant funds that are not redistributed by the child abuse and child neglect prevention advisory board within the time specified by the terms of the original grant must be returned to the State Treasurer.<sup>7</sup> The bill provides instead that the returned grant funds are to be returned to the State Treasurer if the advisory board does not redistribute the funds within the state fiscal year in which they are received.

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<sup>6</sup> *The bill requires the Children's Trust Fund Board to include in its biennial state plan the definition of "effective public notice" specified in the ODJFS rules.*

<sup>7</sup> *The State Treasurer is required to deposit the returned funds into the Children's Trust Fund to be spent for purposes consistent with the Children's Trust Fund Board's biennial state plan.*

### **Report**

(sec. 3109.17(C))

The Children's Trust Fund Board is required by current law to prepare a report for each fiscal biennium that evaluates the expenditures of money from the Children's Trust Fund. The bill requires that the report delineate, rather than evaluate, the expenditures.

### **Children's Trust Fund Board**

(secs. 3109.15, 3109.16, and 3109.18)

### **Public members**

Existing law requires the Children's Trust Fund Board to consist of 15 members, eight of whom must be public members appointed by the Governor. Five of these public members must be residents of counties where the population exceeds 400,000 persons, and no more than one such member can be a resident of the same county. The bill requires five of the eight public members of the Board be residents of metropolitan statistical areas, not counties, where the population exceeds 400,000 persons. No more than two of such members can be residents of the same metropolitan statistical area.

Public members serve three year terms, with each member serving until the member's successor is appointed. The bill provides that each public member serves until the member's successor is appointed, or until a period of 60 days has elapsed, whichever occurs first. Current law provides that no public member may serve more than two consecutive terms, regardless of whether the terms are full or partial. The bill provides that a public member may not serve more than two consecutive full terms.

### **Appointment of chairperson and vice-chair**

The Children's Trust Fund Board includes four legislative members: two each from the House of Representatives and Senate. Existing law provides that the Board chairperson is to be appointed jointly by the Speaker of the House and the Senate President from among the legislative members of the Board. The bill changes the manner in which the chairperson is to be appointed. Under the bill, the Speaker of the House must appoint the chairperson at the beginning of the first year of each even-numbered General Assembly from among the members who are Representatives. The Senate President must appoint the chairperson at the beginning of the first year of each odd-numbered General Assembly from among the members who are Senators. The bill requires the Board to biennially select a vice-chair from among its non-legislative members.



### **Quorum**

Under current law, a majority of the quorum of the Children's Trust Fund Board is required to approve the state plan for the allocation of funds from the Children's Trust Fund. The bill provides that a majority of the Board members, rather than a quorum, is needed to adopt the state plan and a majority of the quorum is required to make all other decisions of the Board.

### **Quarterly meetings**

The bill requires the Board to meet at least quarterly.

### **Executive director**

(sec. 3109.16)

Under current law, the Children's Trust Fund Board, on the recommendation of the ODJFS Director, must approve the employment of the staff that will administer the Board's programs. The bill requires that the Board approve the employment of an executive director, rather than staff.

### **County child abuse and child neglect prevention advisory boards**

(sec. 3109.18)

### **Composition of county boards**

(sec. 3109.18(A) and (D))

Under existing law, a board of county commissioners may establish a child abuse and child neglect prevention advisory board or designate the county family and children first council to serve as the advisory board. Or, the boards of county commissioners of two or more contiguous counties may form a multi-county district to be served by a child abuse and child neglect prevention advisory board or designate a regional family and children first council to serve as the district advisory board.

Except in the case of a county or regional family and children first council that is designated to serve as a child abuse and child neglect prevention advisory board, each advisory board must consist of an odd number of members from both the public and private sectors. Various entities may be represented on the advisory board, including parent groups, juvenile justice personnel, school personnel, counselors, and child day-care providers. The bill includes social workers with counselors among the entities that may be represented on an advisory board.

**Conflict of interest**

(sec. 3109.18(G))

The bill prohibits a child abuse and child neglect prevention advisory board member from participating in the development of the advisory board's comprehensive allocation plan if it is reasonable to expect that the member's judgment could be affected by a conflict of interest. "Conflict of interest" is defined as the taking of any action that violates any applicable provision of law governing ethics of public officials or criminal law regarding public officials' offenses against justice or public administration. An advisory board must submit questions relating to the existence of a conflict of interest pertaining to the law governing ethics of public officials to the Ohio Ethics Commission for resolution. An advisory board must request the local prosecuting attorney to resolve questions relating to the existence of a conflict of interest pertaining to the criminal law regarding public officials' offenses against justice or public administration.

**SICKLE CELL ANEMIA AWARENESS**

**Awareness month**

(sec. 5.2226)

The bill designates September as "Sickle Cell Anemia Awareness Month."

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced Reported, S. Health, Human Services and Aging	05-31-01	p. 607
Passed Senate (33-0) Reported, H. Health & Family Services	05-29-02 06-18-02 ---	p. 1844 pp. 1909-1910 ---

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