



Ohio Legislative Service Commission

Final Analysis

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(As Passed by the General Assembly)

- Reps.** Letson and Mecklenborg, Hagan, Luckie, Fende, Mallory, Gardner, Lehner, Garland, Boyd, Yuko, Snitchler, Huffman, Bacon, Winburn, Amstutz, Batchelder, Beck, Belcher, Blair, Bolon, Book, Boose, Brown, Bubb, Burke, Combs, DeBose, DeGeeter, Derickson, Domenick, Dyer, Evans, Garrison, Gerberry, Goodwin, Hackett, Hall, Harris, Hite, Jordan, Lundy, McClain, McGregor, Newcomb, Oelslager, Patten, Ruhl, Sayre, Sears, Stebelton, Stewart, Uecker, Wagner, Zehringer
- Sens.** Morano, Smith, Fedor, Gibbs, Goodman, Harris, Hughes, Patton, Schaffer, Schiavoni, Schuring, Seitz, Wagoner, Wilson, R. Miller, Strahorn

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ACT SUMMARY

STATE DENTAL BOARD PROCESSES AND RULES

- Modifies the process by which the State Dental Board investigates and disciplines dentists, dental hygienists, and dental x-ray machine operators.
- Creates the supervisory investigative panel of the Board, consisting of the Board's secretary and vice-secretary, a position the act creates, and prohibits the panel members from participating in any additional Board deliberations on a case.
- Requires the Board to appoint three referees or examiners to oversee disciplinary hearings and makes their names public records.
- Makes applicants for a license or certificate issued by the Board subject to the same grounds for discipline as licensees and certificate holders.
- Permits, rather than requires, the Board to develop and implement a quality intervention program and establishes time limits on participation and monitoring in the program.

- Creates notification processes for the Board when a dentist fails to renew a license or submit proper documentation regarding required continuing education, and eliminates provisions that require a dentist's license to be automatically suspended for failure to renew.

CONTINUING EDUCATION--DENTAL HYGIENISTS

- Clarifies when a dental hygienist is subject to a recently enacted increase in the number of continuing education hours required for license renewal.

ADMINISTRATIVE ADJUDICATIONS--NOTICES OF APPEAL

- Requires a person who is appealing an order issued in an administrative adjudication to merely state in the notice of appeal that the order is not supported by reliable, probative, and substantial evidence and is not in accordance with law, but permits the person to set forth specific grounds for the appeal.
- Specifies that the notice of appeal filed with an administrative agency or court may be either the original notice or a copy.
- Specifies that the act's changes to the provisions governing notices of appeal in administrative adjudications are procedural in nature and must be applied retrospectively to all administrative appeals filed during a specified period before the act's effective date.

AUDIOLOGISTS AND SPEECH PATHOLOGISTS

- Permits certain persons to obtain an audiologist license without holding a doctor of audiology degree.
- Establishes a process whereby a licensed audiologist or speech-language pathologist may seek classification of the license as inactive.

MEDICAID

- Provides that a nursing facility is not required to bill Medicaid for the Medicare cost-sharing expenses of a Medicaid-eligible resident of the facility if the provider determines that the facility will not receive Medicaid payment for any part of the expenses.

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CONTENT AND OPERATION

STATE DENTAL BOARD PROCESSES AND RULES

Investigations and disciplinary proceedings

Overview

The State Dental Board licenses dentists and dental hygienists and issues certificates to dental x-ray machine operators. As a part of its duties, the Board must investigate complaints and, if necessary, discipline dental professionals for violations of

the law governing these professions (R.C. Chapter 4715.). The act modifies the process by which the Board investigates and disciplines dental professionals.

Complaints

(R.C. 4715.03(B)(6) and (D) and 4715.036(B) and (C))

Under continuing law, any person may report to the Board under oath any information the person has that appears to show a violation of any provision of the law governing dental professionals. The report is commonly referred to as a "complaint." Under prior law, it was confidential and not subject to discovery in any civil action.

The act modifies the confidential nature of complaints. Under it, an applicant, license holder, or other individual who is notified by the Board of an opportunity for a hearing is generally entitled to receive, on request and at a reasonable cost, one copy of each item the Board procures or creates in the course of its investigation--including the complaint. Before providing copies of investigative items, the Board must determine whether the items contain any personal identifying information¹ regarding a complainant. If the items contain personal identifying information or any other information that would reveal the complainant's identity, the Board must redact the information from the copies.

The act permits the Board to dismiss a complaint on concurrence of a majority of Board members.

Investigations

Supervisory investigative panel

(R.C. 4715.03(B)(5) and (D), 4715.032, 4715.034, and 4715.035)

The act creates a supervisory investigative panel to supervise all of the Board's investigations. The supervisory investigative panel consists solely of the Board's secretary and vice-secretary, a position the act creates (see "**Board officers**," below).

¹ For this purpose, personal identifying information includes all of the following: name, address, telephone number, driver's license, driver's license number, commercial driver's license, commercial driver's license number, state identification card, state identification card number, social security card, social security number, birth certificate, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, money market account number, mutual fund account number, other financial account number, personal identification number, password, or credit card number of a living or dead individual. "Personal identifying information" is defined by cross reference to Revised Code sections dealing with identity fraud. (R.C. 2913.49 and 4715.036(A)(1).)

During an investigation, the act permits the supervisory investigative panel to request a meeting with the individual who is the subject of an investigation.

At the conclusion of an investigation, the panel must recommend, in writing, that the Board do one of the following: (1) pursue disciplinary action against the individual, (2) seek an injunction for unauthorized practice, (3) enter into a consent agreement with the individual, (4) refer the individual to the Board's quality intervention program (if the Board develops this program--see "**Quality intervention program**," below),² or (5) terminate the investigation. The panel must specify the reasons for the recommendation.

The act generally requires the panel to make its recommendation either (1) not later than one year after the date the panel begins to supervise the investigation, or (2) not later than two years after that date if the investigation pertains to an alleged violation of the prohibition on providing or allowing dental hygienists, expanded dental function dental auxiliaries, or other practitioners of auxiliary dental occupations working under a certificate or license holder to provide dental care that departs from or fails to conform to accepted standards for the profession. Both of the following are excluded in determining when the deadline for making a recommendation occurs:

(1) Any period during which an investigation is suspended because the subject of it is also the subject of a criminal investigation.

(2) A period beginning when the Board moves for a court order compelling the production of persons or records as permitted by the act and ending when either of the following occurs: (a) the court renders a decision not to issue the order, or (b) the court issues the order and the person subject to the order complies.

Once the panel makes a recommendation, the Board must review the recommendation before conducting any disciplinary proceedings. The panel members (*i.e.*, the Board's secretary and vice-secretary) are prohibited by the act from participating in any deliberations the Board has on the case.

If the panel recommends that an investigation be terminated, the act permits the Board to do so, but only on the concurrence of a majority of Board members.

² Under the act, establishment of a quality intervention program is permissive, rather than mandatory as provided in former law.

Subpoenas

(R.C. 4715.03(D) and 4715.033)

Continuing law permits the Board to issue subpoenas for the purposes of an investigation. The act specifies that the Board's subpoenas must be authorized by the supervisory investigative panel. Before authorizing a subpoena, the panel must consult with the Attorney General's office to determine whether there is probable cause to believe that the complaint filed alleges a violation of the law governing dental professionals and that the information sought pursuant to the subpoena is relevant to the alleged violation and material to the investigation. A subpoena to compel the production of records must pertain to records that cover a reasonable period of time surrounding the alleged violation. The act generally requires that a subpoena state that the person being subpoenaed has a reasonable period of time that is not less than three calendar days to comply with the subpoena. However, if the Board's secretary determines that the person being subpoenaed represents a clear and immediate danger to the public health and safety, the subpoena must state that the person is required to immediately comply.

If a person fails to comply with the Board's subpoena and is given reasonable notice of the failure, the act permits the Board to move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

Disciplinary hearings

Overview

(R.C. 4715.03(D))

Under continuing law, a Board disciplinary hearing must be conducted in accordance with the Administrative Procedure Act. However, the act requires that the hearing be conducted in accordance with the law governing the operations of the Board, including the new procedures established under the act.

Discovery

(R.C. 119.07 (not in the act), 4715.03(D), 4715.036(A) to (D), and 4715.0310)

Generally, the Administrative Procedure Act requires an administrative agency to give a party notice, by registered mail of the opportunity for an administrative hearing. The act specifies that such a notice provided by the Board is a public record.

Under the act, the Board must state in the notice that on request and subject to certain conditions, the individual is entitled to receive at least 60 days before the

hearing one copy of each item the Board procures or creates in the course of its investigation. These items may include the complaint or complaints filed with the Board (see "**Complaints**," above); correspondence, reports, and statements; deposition transcripts; and patient dental records.

In responding to a request for copies of investigative items, the Board is subject to the following:

- (1) The Board must provide the copies in a timely manner.
- (2) The Board may charge a fee for providing the copies, but the amount of the fee must be reasonable.
- (3) Before providing the copies the Board must determine whether the items contain any personal identifying information regarding a complainant. If the Board determines that the investigative items contain identifying information, or any other information that would reveal the complainant's identity, the Board must redact the information from the copies before they are provided.
- (4) The Board must not provide either (a) any information that is subject to the attorney-client privilege or work product doctrine, or that would reveal the investigatory processes or methods of investigation used by the Board, or (b) any information that would constitute a confidential law enforcement investigatory record.³

If an individual requests the investigative items, the individual's hearing must be scheduled for a date that is at least 61 days after the Board provides the items. This schedule applies regardless of other scheduling requirements specified in the Administrative Procedure Act.

Continuing law specifies that any Board proceedings relative to an investigation or the determination of whether there are reasonable grounds to believe that a violation has occurred are confidential and are not subject to discovery in any civil action. The act exempts from this law, subject to the conditions discussed above, the discovery of the investigative items.

³ The act defines "confidential law enforcement investigatory report" largely consistent with the definition of this term in the public records law (R.C. 149.43), although it specifically excludes information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity.

Subpoenas to compel attendance and testimony

(R.C. 4715.036(E))

After the Board notifies an individual of an opportunity for a hearing, the act permits the individual to ask the Board to issue either or both of the following: (1) a subpoena to compel the attendance and testimony of any witness at the hearing, or (2) a subpoena for the production of books, records, papers, or other tangible items. On receipt of the request, the Board must issue the subpoena.

In the case of a subpoena for the production of books, records, papers, or other tangible items, the act provides that the person or government entity subject to the subpoena must comply with the subpoena at least 30 days prior to the hearing.

Referees or examiners

(R.C. 119.09 (not in the act), 4715.037, 4715.038, and 4715.0310)

Generally, the Administrative Procedure Act permits an administrative entity to appoint a referee or examiner, who is a lawyer, to conduct a disciplinary hearing. The referee or examiner must submit to the entity its findings of fact and conclusions of law and a recommendation of the action to be taken by the entity regarding a violation.

Notwithstanding the Administrative Procedure Act's provisions, the act requires the Board to appoint, by a concurrence of a majority of its members, three referees or examiners. A referee or examiner appointed by the Board must be an attorney who has been admitted to the practice of law in Ohio but not an attorney who is a Board employee or represents the Board in any other manner.

The act generally prohibits a referee or examiner from serving more than five consecutive one-year terms. It prohibits the Board from refusing to reappoint a referee or examiner before the referee or examiner has served the maximum number of terms unless (1) the referee or examiner does not seek to serve the maximum number of terms, or (2) the Board, by a concurrence of a majority of its members, determines there is cause not to reappoint the referee or examiner.

The act establishes a staggered number of terms that may be served by the initial referees or examiners as follows: (1) the first is to serve no more than three consecutive one-year terms, (2) the second no more than four consecutive one-year terms, and (3) the third no more than five consecutive one-year terms. All successor appointees are limited to the act's maximum of five consecutive one-year terms.

The Board must assign one referee or examiner to conduct each disciplinary hearing. Assignments must be made in the order the Board receives requests for

hearings without regard to the experience or background of a particular referee or examiner or the consideration of any factor other than whether the referee or examiner is available at the appropriate time. The name of the hearing referee or examiner is a public record.

The act requires a referee or examiner to hear and consider the oral and documented evidence introduced by the parties during the hearing. Not later than 30 days following the close of the hearing, the referee or examiner must issue to the Board, in writing, the proposed findings of fact and conclusions of law, as well as copies of the record of the hearing and all exhibits and documents presented by the parties at the hearing.

Oral arguments

(R.C. 4715.039)

The act requires the Board to allow the parties or their counsel an opportunity to present oral arguments on the proposed findings of fact and conclusions of law issued by the hearing referee or examiner.

Prior complaints

(R.C. 4715.30(H))

The act prohibits the Board from considering or raising, during a hearing, the circumstances of, or the fact that the Board has received, one or more complaints about a person unless the complaints are the subject of the hearing or resulted in the Board taking a disciplinary action against the person on a prior occasion.

Decisions and appeals

(R.C. 4715.039)

Not later than 60 days following the Board's receipt of the proposed findings of fact and conclusions of law issued by the hearing referee or examiner, or a date mutually agreed to by the Board and the individual who is the subject of the hearing, the act requires the Board to render a decision, in writing, that contains findings of fact and conclusions of law. Copies of the Board's decision must be delivered personally or by certified mail. The Board's decision is to be considered final on the date personal delivery of the decision is made or the date the decision is mailed.

The act specifies that an individual may appeal the Board's decision in accordance with the Administrative Procedure Act.

Disciplinary actions

(R.C. 4715.03(B)(1) and 4715.30(C))

Under continuing law, the Board may take one or more of the following disciplinary actions, in accordance with the Administrative Procedure Act, if the Board determines that one or more grounds for discipline exist:

(1) Censure the license or certificate holder;

(2) Place the license or certificate on probationary status for a period of time determined by the Board, and require the holder to (a) report regularly to the Board on the matters that are the basis of probation, (b) limit practice to those areas specified by the Board, and (c) continue or renew professional education until a satisfactory degree of knowledge or clinical competency has been attained in specified areas;

(3) Suspend the certificate or license;

(4) Revoke the certificate or license.

The act requires the Board to have concurrence of a majority of Board members to take any of these actions.

Applicants subject to grounds for disciplinary action

(R.C. 4715.30(A) and (D))

The act makes applicants for a license or certificate issued by the Board subject to the grounds for discipline that are applicable under continuing law to licensees and certificate holders.

Quality intervention program

(R.C. 4715.03(B)(4) and 4715.031)

Under prior law, changed in part by the act, the Board was required to develop and implement a quality intervention program as a disciplinary option for dentists and dental hygienists. The act permits, rather than requires, the Board to develop and implement such a program and makes conforming changes to accommodate the program's permissive nature. The act retains the purpose of the program, which is to improve a dentist's or dental hygienist's clinical or communication problem.

If the Board implements a quality intervention program, the act requires the Board to elect a coordinator from among the Board members who are dentists to administer it. The act requires the Board, when selecting educational and assessment

service providers for program participants, to select the providers by a concurrence of a majority of the members.

Duration of participation

Generally, continuing law requires the Board to refer a licensee who agrees to participate in a quality intervention program to an education and assessment service provider. Under the act, the referral cannot occur without concurrence of a majority of Board members.

An education and assessment service provider is to recommend to the Board the services the licensee should receive. If the Board approves the services, the licensee may begin participating. The Board must monitor the licensee during participation. The Board may monitor the licensee or take other appropriate action after the licensee successfully completes the program. If the licensee does not successfully complete the program, the Board must commence disciplinary proceedings. Prior law did not specify the duration in which a licensee was to participate in the program or the duration of time the Board was to monitor the licensee after successfully completing the program.

The act prohibits a licensee from being required to participate in the program beyond 180 days from the date the licensee enters into the agreement with the Board to participate. The act similarly prohibits the additional monitoring or other action taken by the Board from continuing beyond one year from the same date.

Additional enforcement options

(R.C. 4715.03(B)(2) and (3) and (D) and 4715.05 (not in the act))

In addition to the Board's enforcement options of conducting disciplinary proceedings or referring persons to any quality intervention program, the act authorizes the Board to do the following:

(1) Seek an injunction against the unauthorized practice of dentistry or dental hygiene by using the continuing law mechanisms under which the Board may ask the Attorney General or prosecuting attorney to apply to the appropriate court of common pleas;

(2) Enter into a consent agreement with a licensed dentist or dental hygienist who has been under investigation.

In either case, the Board must have determined that there are reasonable grounds to believe that the laws governing dental professionals have been violated. And, as the

act provides for all of the Board's enforcement options, the Board may take the action only on concurrence of a majority of Board members.

Notification for failure to renew registration

(R.C. 4715.14)

Under prior law, if a dentist failed to renew the dentist's biennial registration, the license was automatically suspended. The license could be reinstated by paying the registration fee (\$245), as well as a reinstatement fee (\$81).

Instead of automatic suspension for failure to renew registration, the act requires the Board to send a notice by certified mail to a dentist who fails to renew. The notice must be sent not later than January 31 of the year after registration was to be renewed and state all of the following:

- (1) That the Board has not received the required registration form and fee;
- (2) That the license may be renewed until April 1 by payment of the biennial registration fee (\$245) and an additional fee (\$100) to cover the cost of late renewal;
- (3) That the license remains valid and in good standing during the grace period described in (2), above, if the dentist remains in compliance with all other applicable provisions of law governing dentists;
- (4) That unless the Board receives the form and fee before April 1, the Board is permitted to initiate disciplinary action against the dentist pursuant to the Administrative Procedure Act;
- (5) That a dentist whose license has been suspended as a result of disciplinary action initiated as described in (4), above, may be reinstated by the payment of the biennial registration fee and an additional fee (\$300) to cover the cost of reinstatement.

Notification for failure to submit continuing education documentation

(R.C. 4715.141)

Under prior law, a dentist's failure to submit proper evidence of completed continuing education credits constitutes failure to renew registration.

Under the act, if a dentist fails to submit evidence of completed continuing education credits, the Board instead must notify the dentist of both of the following:

- (1) That the Board has not received the affidavit or certification;



(2) That unless it receives the affidavit or certification before April 1 following the December 31 deadline for license renewal, the Board is permitted to initiate disciplinary action against the dentist pursuant to the Administrative Procedure Act.

Rules regarding safe practice

(R.C. 4715.03(C))

Continuing law requires the Board to adopt rules regarding standards for the safe practice of dentistry and dental hygiene by qualified practitioners. The act specifies that the rules are to be adopted in accordance with the Administrative Procedure Act, which requires the Board to give notice and hold a public hearing.

Board officers

(R.C. 4715.03(A) and 4715.06)

Continuing law requires the Board to elect a president and secretary from among its members. The act requires the Board to also elect a vice-secretary and specifies that the secretary and vice-secretary are to be elected from the Board members who are dentists.⁴ As provided under continuing law with regard to the secretary, the act requires that the vice-secretary be reimbursed for necessary expenses incurred in the discharge of official duties.

CONTINUING EDUCATION--DENTAL HYGIENISTS

Implementation of increased hours

(Sections 4 and 5)

Sub. H.B. 190 of the 128th General Assembly increased the number of hours of continuing education that a dental hygienist must complete every two years. The requirement was raised to 24 hours from 12. H.B. 190 specified that when applying for renewal for the 2010-2011 registration period, a dental hygienist remains subject to the 12-hour requirement.

The act clarifies the manner in which the increased continuing education requirement is to be implemented. For registration renewal that is to be effective in 2010-2011, a dental hygienist must complete 12 hours of continuing education. For registration renewal that is to be effective in 2012-2013, a dental hygienist must complete 24 hours.

⁴ The act specifies that its requirement for the secretary to be a dentist does not apply to the secretary serving on the Board on the act's effective date (Section 3).

ADMINISTRATIVE ADJUDICATIONS--NOTICES OF APPEAL

Filing of notice

(R.C. 119.12)

Under the Administrative Procedure Act, a party adversely affected by an order of an administrative agency is permitted to appeal that order, generally to a court of common pleas.⁵

Filing of original or copy of notice

Continuing law, revised in part by the act, requires that the party bringing the appeal (the appellant) file a notice of appeal with the agency that issued the order and a copy of the notice with the court. The act specifies instead that in filing the notice of appeal with the agency or court, the notice may be either the original notice or a copy of the original notice.

Content of notice

Prior law required the notice of appeal to set forth the grounds of the appeal. The act requires that the notice of appeal merely state that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The act permits, rather than requires, the appellant to set forth in the notice the specific grounds of the appeal.

Nature of amendments and retroactivity

The act specifies that its amendments to the Administrative Procedure Act, described above, are procedural and must be applied retrospectively to all administrative appeals filed before the act's effective date but not earlier than May 7, 2009, which was the date the Supreme Court of Ohio released its opinion and judgment in the case, *Medcorp, Inc. v. Ohio Dep't of Job and Family Servs.* (2009), 121 Ohio St.3d 622.⁶

⁵ Generally, an order revoking or suspending a license must be appealed to the common pleas court of the county in which the licensee's business is located. Some appeals however, such as those from orders of the State Medical Board, can be made only to the Franklin County Court of Common Pleas.

⁶ In this case, which the Supreme Court refers to as "*Medcorp I*," the Court (reversing a court of appeals' decision) held that in order to satisfy the "grounds of the party's appeal" requirement in R.C. 119.12, the parties appealing under that statute must identify specific legal or factual errors in their notices of appeal. *Medcorp, Inc.* (the appellee) filed a motion for reconsideration of this decision, in which it asked the court to vacate the decision or, alternatively, modify the decision so that it would apply only to appeals filed after the decision's date (May 7, 2009). The Court modified the decision in *Medcorp I* to specify that it

AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

Audiology license applicants with master's degrees

(R.C. 4753.06)

Prior to enactment of Am. Sub. H.B. 66 of the 126th General Assembly, a person was eligible for a license to practice audiology if the person held, at a minimum, a master's degree in audiology. H.B. 66 increased the minimum degree requirement for those applying for the license on or after January 1, 2006, to a doctor of audiology degree from an accredited audiology program.⁷

A person who applied for licensure as an audiologist before January 1, 2006, held a master's degree at that time, and presented evidence of obtaining certain professional experience to the Board of Speech-Language Pathology and Audiology was "grandfathered" under the former law and exempt from the doctoral degree requirement.

The act removes the requirement that an applicant have submitted the application for licensure before January 1, 2006, to be eligible for a license under the grandfathering provision. Therefore, any person who met the master's degree requirement as it existed on December 31, 2005, and meets the professional experience requirements, may apply for licensure as an audiologist.

Inactive classification of licenses

(R.C. 4753.091)

The act permits a person licensed to practice as a speech-language pathologist or audiologist to apply to the Board of Speech-Language Pathology and Audiology to have the license classified as inactive. The Board may charge a fee for classifying a license as inactive.

The Board is required to classify a license as inactive if the license is in good standing, the license holder is not the subject of an investigation or disciplinary action by the Board, and the license holder meets any other requirements established by the

applies only to cases filed on and after June 15, 2009--the date the *Medcorp I* opinion was published in the Court's advance sheets. (*Medcorp, Inc. v. Ohio Dep't of Job and Family Servs.* (2009), 124 Ohio St.3d 1215.)

⁷ The audiology program must be accredited by an organization recognized by the U.S. Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the Board of Speech-Language Pathology and Audiology.

Board in rules. The inactive classification becomes effective on the date immediately following the date that the license is scheduled to expire.

During the period that a speech-language pathology or audiology license is classified as inactive, the license holder is prohibited from engaging in the practice of speech-pathology or audiology in Ohio or making any representation to the public indicating that the license holder is actively licensed in Ohio.

The act specifies that the Board's jurisdiction to take disciplinary action pursuant to continuing law governing speech-language pathologists and audiologists is not removed or limited when a license is classified as inactive.

The act permits a person whose license has been classified as inactive to apply to the Board to have the license reactivated. The Board is required to reactivate the license if the person meets the requirements established in rules adopted by the Board.

The act permits the Board to adopt rules as necessary for classifying a license as inactive. The rules must be adopted in accordance with the Administrative Procedure Act.

MEDICAID

Nursing facility Medicaid claims for Medicare cost-sharing expenses

(R.C. 5111.0211)

Some individuals are dually eligible for Medicare and Medicaid. In addition to being a Medicare beneficiary, a dually eligible individual may qualify for full Medicaid benefits or only a limited component of Medicaid that assists the individual in paying for certain Medicare cost-sharing expenses. For example, there is a limited component of Medicaid called Qualified Medicare Beneficiary under which Medicaid helps pay for certain of an individual's Medicare cost-sharing expenses such as co-insurance for skilled nursing care.

The act provides that a nursing facility provider is not required to bill the Department of Job and Family Services regarding the Medicare cost-sharing expenses of a resident of the facility who, under federal law, is eligible to have the Medicaid program pay for a part of the expenses if the provider determines that, under rules the Department has adopted regarding Medicaid benefits, the nursing facility would not receive a Medicaid payment for any part of the expenses. In such a situation, the claim for the Medicare cost-sharing expenses is to be considered to have been adjudicated at no payment.

HISTORY

| ACTION | DATE |
|---|----------|
| Introduced | 06-09-09 |
| Reported, H. Health | 10-08-09 |
| Passed House (97-0) | 03-03-10 |
| Reported, S. Health, Human Services & Aging | 05-27-10 |
| Passed Senate (33-0) | 05-27-10 |
| House concurred in Senate amendments (98-0) | 06-02-10 |

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