

## Executive

General

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1            JFS - 34            Expenditure of Federal Grant Funds

R.C.        *131.33*

Permits federal grant funds that are obligated by ODJFS for financial allocations to county family services agencies and local workforce investment boards to be available for expenditure for the duration of the federal grant period.

**Fiscal effect: County family services agencies and local workforce investment boards will be able to spend federal grant dollars awarded in federal fiscal years (Oct. 1 to Sept. 30) in subsequent state fiscal years as necessary.**

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2            JFS - 5                Collaboration on Welfare Reform Training

R.C.        *5101.072, (Repealed)*

Ends a requirement that ODJFS collaborate with county departments of job and family services to develop and provide training regarding county departments' duties under previous welfare reform legislation.

**Fiscal effect: Potential minimal decrease in costs related to training.**

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3            JFS - 26                ODJFS General Services Administration and Operating Fund

R.C.        *5101.073*

Creates in the state treasury GSF Fund 5DM0, General Services Administration and Operating. Provides for the Treasurer of State to transfer money in 7090 Fund R012, Refunds and Audit Settlements, to Fund 5DM0, following a final closeout of a federal grant regarding a program ODJFS administers or a reconciliation of all final transactions with the federal government regarding federal funds for a program ODJFS administers. Provides for money in Fund 5DM0 to be used for ODJFS's administrative expenses.

**Fiscal effect: Allows ODJFS to access unused federal grant money following a final closeout or reconciliation of federal funds for programs administered by ODJFS and use them for administrative expenses.**

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## Executive

Child Care

4 JFS - 47 Help Me Grow Advisory Council

R.C. 3701.611

Codifies the existing Help Me Grow Advisory Council mirroring the requirements set forth in federal law. The provision also specifies the duties of the Council. Members can be reimbursed for actual and necessary expenses.

**Fiscal effect: If the Council currently exists and receives reimbursements for actual and necessary expenses, there should be no fiscal effect.**

Child Support Enforcement

6 JFS - 50 Office of Child Support Requests for Medical Insurance Information

R.C. 3119.371

Defines "health insurance provider," for the purposes of this provision, as (1) a person authorized to engage in the business of sickness and accident insurance, (2) a person or government entity providing coverage for medical services or items to individuals on a self-insurance basis, (3) a health insuring corporation, (4) a group health plan, (5) any organization, business, or association described in 42 U.S.C. 1396a(a)(25), or (6) a managed care organization.

Defines "information," for the purposes of this provision, as (1) an individual's name, address, date of birth, and Social Security number, (2) the group or plan number or other identifier assigned by a health insurance provider to a policy held by an individual or a plan in which the individual participates and the nature of the coverage, and (3) any other data specified by the Director of Job and Family Services in rule.

Requires health insurance providers to send information to the Office of Child Support in ODJFS identifying policy holders and policy information upon request.

**Fiscal effect: Potential savings for ODJFS as this provision enables the Office of Medicaid to share certain information it receives with the Office of Child Support.**

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**7**      **JFS - 48**      **Mandatory Electronic Remittance of Child Support by Certain Payors**

R.C.      *3121.19, 3121.037, 3121.0311, and 3121.20*

Requires payors who submit combined child support payments to provide the individual case numbers from the income withholding or deduction notice. Requires employers with more than 50 employees to send child support by electronic means.

**Fiscal effect: Potential savings to ODJFS to receive child support payments electronically.**

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**8**      **JFS - 49**      **Waiver and Compromise of Assigned Child Support Arrearages**

R.C.      *3125.25*

Requires the Director of Job and Family Services to adopt rules for the compromise and waiver of child support arrearages owed to the state and federal governments, consistent with the federal Title IV-D program.

**Fiscal effect: ODJFS may experience additional administrative costs associated with the adoption of rules.**

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**9**      **JFS - 31**      **Child Support Collections/TANF MOE**

**Section:    *309.40.50***

Requires that GSF Fund 4A80 appropriation item 600658, Child Support Collections, be used by ODJFS to meet the TANF maintenance of effort (MOE) requirements.

Specifies that once the state is assured that it will meet the MOE requirements, ODJFS may use the funds from the appropriation item to support public assistance activities.

**Fiscal effect: Persons receiving child support and OWF cash assistance are required to assign ODJFS to receive their child support payments to cover part of their cash assistance benefits. These funds are deposited into GSF Fund 4A80 and expended through appropriation item 600658. ODJFS plans to use \$23 million in each fiscal year to meet the state's TANF MOE requirements.**

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## Executive

Child Welfare and Adoption

10            JFS - 55            Alternative Response

**Section: 309.40.40**

Requires ODJFS to implement, oversee, and evaluate an 18-month pilot program based on the "Alternative Response" approach to reports of child abuse, neglect, and dependency. Requires the pilot program to be implemented in not more than ten counties selected by ODJFS that agree to participate in the program.

Requires ODJFS to assure that the Alternative Response pilot program is independently evaluated with respect to outcomes for children and families, costs, worker satisfaction, and any other criteria determined by ODJFS to be useful in the consideration of the statewide implementation of Alternative Response.

Allows ODJFS to expand the Alternative Response approach statewide at any point during, or at the conclusion of the pilot period.

Requires ODJFS to seek statutory framework for the Alternative Response approach to child protection if the independent evaluation recommends statewide implementation.

**Fiscal effect: ODJFS began implementation of the Alternative Response pilot program in July 2008. In the FY 2010-FY 2011 biennium, ODJFS will experience costs associated with contracting for an independent evaluation.**

Title IV-A Temporary Assistance for Needy Families

11            JFS - 18            Fraudulent Assistance

**R.C. 5101.83**

Ends a prohibition against an assistance group's participation in the Prevention, Retention, and Contingency program until a member repays the cost of fraudulent assistance that a county director of job and family services determines the assistance group received.

Provides that the prohibition applies only to fraudulent cash assistance received under the Ohio Works First program rather than any fraudulent assistance or services received under that program.

**Fiscal effect: Potential minimal increase in TANF expenditures from county allocations, as these individuals could potentially receive PRC services that under current law, they are otherwise ineligible to receive.**

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12            JFS - 4            Felony Drug Conviction Not a Bar to TANF Program

R.C.            *5101.84*

Provides that an individual is not to be denied aid under any TANF program (rather than just the Ohio Works First or Prevention, Retention, and Contingency programs) on the basis of having been convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance.

**Fiscal effect: This provision would allow such individuals to be eligible for other programs supervised by the Department of Job and Family Services that are funded with TANF funds. These may include publicly funded child care, the Kinship Permanency Incentive Program as well as other programs that the Department may establish. This could result in a minimal increase in TANF expenditures.**

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13            JFS - 1            Ohio Works First Sanctions

R.C.            *5107.16, 5107.05, 5107.17, 5111.01*

Provides that an Ohio Works First member's failure or refusal to comply in full with a provision of a self-sufficiency contract is deemed to have ceased on the date a county department of job and family services receives the compliance form from the member if the compliance form is completed and provided to the county department in the manner specified in ODJFS's rules.

Requires ODJFS to provide an Ohio Works First assistance group member, who causes a sanction, a compliance form the member may complete to indicate willingness to come into full compliance with a provision of a self-sufficiency contract.

Reenacts prior law that provides for a sanction under the Ohio Works First Program to continue for the longer of one to six months (depending on the number of previous sanctions) and the date the failure or refusal to comply with a self-sufficiency contract ceases.

Provides that an Ohio Works First assistance group must reapply to participate in Ohio Works First before resuming participation following a sanction if a county department does not receive the compliance form within a period of time specified in ODJFS rules.

**Fiscal effect: This provision will standardize sanctions across all counties.**

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## Executive

Medicaid

14 JFS - 20 Disqualifying Offenses -- Medicaid Providers and Home and Community Waiver Services Providers

R.C. 109.572, 5111.032, 5111.033, 5111.034

Adds to the offenses that disqualify a person from being a Medicaid provider or employed by a Medicaid provider, applies the same disqualifying offenses to a provider of home and community-based waiver services and any of its employees, and includes the following among the additional disqualifying offenses: cruelty to animals, permitting child abuse, menacing, arson, and a violation of any municipal ordinance that is substantially equivalent to the new or existing disqualifying offenses.

**Fiscal effect: None.**

15 JFS - 9 Nursing Home Franchise Permit Fee

R.C. 3721.51, 3721.56

Increases the franchise permit fee on nursing home beds and hospitals' long-term care beds from \$6.25 per day to \$11.00 per day.

Provides for SSR Fund 4J50, Home and Community-Based Services for the Aged, to receive 9.09% of the money generated by the nursing home/hospital franchise permit fee and for SSR Fund 5R20, Nursing Facility Stabilization, to receive 90.91%.

**Fiscal effect: The executive estimates the increase in the fee will generate \$122.2 million in FY 2010 and \$162.9 million in FY 2011.**

16 JFS - 14 Third Party Liability

R.C. 5101.573

Requires a third party against which ODJFS has a right of recovery for payment of a medical item or service provided to a Medicaid recipient to do the following: (1) consider ODJFS's payment to be the equivalent of the recipient having obtained prior authorization for the item or service from the third party and (2) not deny a claim solely on the basis of the Medicaid recipient's failure to obtain prior authorization from the third party.

**Fiscal effect: By enhancing the state's ability to recover payments from liable third parties for certain claims, the state may realize cost savings in the Medicaid Program.**

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**17            JFS - 8            Administrative Actions Relative to Medicaid Provider Agreements****R.C.            5111.06**

Provides that ODJFS is not required to issue an order pursuant to an adjudication conducted in accordance with the Administrative Procedure Act when (1) denying, terminating, or not renewing a Medicaid provider agreement because a provider's owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended, (2) terminating or not renewing a Medicaid provider agreement because the provider has not billed or otherwise submitted a Medicaid claim to ODJFS for at least two years, regardless of whether ODJFS has determined that the provider has moved from the address on record with ODJFS without leaving an active forwarding address, or (3) denying, terminating, or not renewing a Medicaid provider agreement because the provider fails to provide to ODJFS the National Provider Identifier assigned to the provider.

**Fiscal effect: None.**

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**18            JFS - 17            Medicaid E-Prescribing System****R.C.            5111.083**

Repeals law that expressly authorizes the Director of Job and Family Services to establish an e-prescribing system for the Medicaid Program.

**Fiscal effect: None. This provision removes the requirement for e-prescribing from the law. However, beginning March 2009, ODJFS will begin offering, on a voluntary basis, e-prescribing to all Medicaid providers who prescribe or dispense prescription medications within the traditional fee-for-service Medicaid system.**

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**19            JFS - 19            Medicaid Managed Care Reimbursement Rate for Noncontracting Hospitals****R.C.            5111.162**

Revises the requirement that a hospital not under contract with a Medicaid managed care organization (MCO) provide services to Medicaid recipients enrolled in the MCO and accept from the MCO, as payment in full, the amount that would have been paid under Medicaid's fee-for-service reimbursement system by: (1) requiring that medically necessary services be provided whenever authorized by the MCO, rather than only on referral, (2) extending the fee-for-service reimbursement rate to other types of noncontracting providers in a hospital system, including physicians, and (3) eliminating the exemption that applies to any hospital that had a contract with at least one Medicaid MCO before January 1, 2006, and has retained one such contract.

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**Fiscal effect: Indirect.** The state pays MCO's a monthly capitated rate for the provision of services for Medicaid recipients. This provision governs the payments by MCO's to hospital systems. Any change in payments may, or may not, impact future capitation rates paid by the state to MCO's.

20 JFS - 15 Medicaid Health Insuring Corporation Franchise Permit Fee

R.C. 5111.176

Terminates the assessment of a franchise permit fee on Medicaid health insuring corporations after the third quarter of calendar year 2009.

**Fiscal effect: The executive estimates the state will lose \$520 million in revenue annually.**

21 JFS - 7 Nursing Facility and ICF/MR Inflation Measuring Systems and Factors

R.C. 5111.23, 5111.231, 5111.235, 5111.24,  
5111.241, 5111.251

Removes from statute some of the specific inflation measuring systems used in determining the Medicaid rates for nursing facilities and ICFs/MR and provides instead for the ODJFS Director to specify in rules the inflation measuring systems or inflation factors to be used in those cases.

Removes from statute a requirement that the difference between the actual and estimated inflation rate used in determining the Medicaid rates for a fiscal year be added to or subtracted from the inflation rate estimated for the following fiscal year.

**Fiscal effect: This provision could have a fiscal impact on the state. The impact will depend on the inflation measuring systems that ODJFS is to specify in rules and the difference between the actual and estimated inflation rate.**

22 JFS - 2 Deadline for Nursing Facility to Submit Corrections

R.C. 5111.232

Revises the deadline for a nursing facility to submit corrections to assessment information by providing that ODJFS may not assign a quarterly average case-mix score due to late submission of the corrections unless the nursing facility fails to submit the corrections before the earlier of (1) the 46th (rather than 81st) day after the end of the calendar quarter to which the information pertains or (2) the deadline established by federal Medicare and Medicaid regulations.

**Fiscal effect: None.**

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**23            JFS - 3            Limits on Costs of Outside ICF/MR Resident Meals****R.C.            5111.261**

Eliminates ODJFS's authorization to place limits on the costs for resident meals prepared and consumed outside an ICF/MR when determining whether an ICF/MR's direct care and indirect care costs are allowable.

**Fiscal effect: Removing ODJFS' authorization to place limits on certain costs could increase state Medicaid costs for ICFs/MR. A portion of the increased costs may be reimbursed by the federal government.**

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**24            JFS - 12            Exiting Operator Fund****R.C.            5111.688, 5111.65, 5111.651, 5111.689,  
5111.874, 5111.875**

Establishes GSF Fund 5FX0, Exiting Operator Fund, and provides for money withheld from a nursing facility or ICF/MR undergoing a change of operator, facility closure, voluntary termination, or voluntary withdrawal of participation for purposes of collecting debts the facility owes the Medicaid Program to be temporarily deposited in the fund.

**Fiscal effect: None. This provision allows ODJFS to maintain a distinct fund for Medicaid nursing facility or ICF/MR provider payment withholding. It is an accounting change and thus has no fiscal impact on the state.**

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**25            JFS - 16            Home First Rules for Home and Community-Based Services****R.C.            5111.85, 5111.705, 5111.851**

Permits the ODJFS Director to adopt rules establishing procedures for (1) identifying individuals who are eligible and on a waiting list for a Medicaid waiver program that provides home and community-based services; are receiving inpatient hospital services or residing in an ICF/MR or nursing facility; and choose to be enrolled in the waiver program and (2) approving such individuals' enrollment in the waiver program.

**Fiscal effect: The provision may result in a savings to the Medicaid Program to the extent to which individuals admitting to nursing facilities or ICFs/MR enroll in Home First, which is less expensive. However, the savings to Medicaid would depend on the number of individuals leaving nursing facilities or ICFs/MR and the individual's needs, which cannot be estimated at this time.**

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## 26 JFS - 13 Home Care Attendant Services

R.C. 5111.88, 5111.881, 5111.882, 5111.883,  
5111.884, 5111.885, 5111.886, 5111.887,  
5111.888, 5111.889, 5111.8810, 5111.8811

Permits the Director of Job and Family Services to seek federal approval to have the Ohio Home Care Medicaid waiver program and the Ohio Transitions II Aging Carve-Out Medicaid waiver program cover home care attendant services. Establishes requirements an individual must meet to be able to provide home care attendant services under either of the Medicaid waiver programs.

Places limits on a health care attendant's authority to assist a consumer with nursing tasks and self-administration of medication.

**Fiscal effect: This provision may result in savings to the Medicaid Program if the services that are to be provided by health care attendants are less expensive than those currently provided.**

## 27 JFS - 22 ICF/MR Franchise Permit Fee

R.C. 5112.30, 5112.31, 5112.37, 5112.371,  
5112.372

Subjects ICFs/MR that ODMR/DD operates (i.e., developmental centers) to the ICF/MR franchise permit fee.

Increases the franchise permit fee on ICF/MR beds to \$14.25 per day from \$11.98.

Provides for the money raised by the ICF/MR franchise permit fee to be deposited as follows: (1) 74.89% in FY 2010 and 70.67% in FY 2011 and thereafter into the Mentally Retarded and Developmentally Disabled Fund; (2) 3.78% in FY 2010 and 3.57% in FY 2011 and thereafter into SSR Fund 5CT0, Children With Intensive Behavioral Needs Programs; and (3) 21.33% in FY 2010 and 25.76% in FY 2011 and thereafter into a new fund created in the state treasury called the ODMR/DD Operating and Services Fund.

Provides for money in the ODMR/DD Operating and Services Fund to be used for expenses of the programs that ODMR/DD administers and ODMR/DD's administrative expenses.

**Fiscal effect: Increasing the ICF/MR franchise permit fee from \$11.98 to \$14.25 per day per bed as well as subjecting developmental centers to the fee will generate several million dollars in additional revenue for the Medicaid Program each year.**

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**Executive**

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**28            JFS - 21            Hospital Assessments**

**R.C.            5112.40, 5112.41, 5112.42, 5112.43, 5112.44,  
5112.45, 5112.46, 5112.47, 5112.48**

Imposes an annual assessment on hospitals based on their total facility costs.

Permits ODJFS to audit a hospital to ensure that the hospital properly pays its assessment and requires ODJFS to take action to recover from a hospital any amount the audit reveals that the hospital should have paid but did not.

Creates SSR Fund 5GF0, Hospital Assessment, in the state treasury into which the hospital assessments are to be deposited and requires ODJFS to use the money in the fund to pay costs of the Medicaid Program, including administrative costs.

Requires ODJFS to take all necessary actions to cease implementation of the hospital assessment if the United States Secretary of Health and Human Services determines that the assessment is an impermissible health care-related tax under federal Medicaid law.

Repeals the law governing the hospital assessment effective October 1, 2011.

**Fiscal effect: The executive estimates the assessment will generate \$282.8 million in FY 2010 and \$315.6 million in FY 2010.**

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**29            JFS - 10            FY 2010 Medicaid Reimbursement Rate for Nursing Facilities**

**Section:    309.30.20**

Adjusts the formula used to calculate nursing facilities' Medicaid reimbursement rates for fiscal year 2010 by (1) increasing the cost per case mix-unit, rate for ancillary and support costs, rate for capital costs, and rate for tax costs as calculated under the formula by 2%, then by another 2%, and then by 1%, (2) providing for the mean payment used in the calculation of the quality incentive payment to be \$3.03 per Medicaid day, and (3) reducing, if the federal government requires that the nursing home franchise permit fee be reduced or eliminated, the payments as necessary to reflect the loss of revenue and federal financial participation generated by the fee.

**Fiscal effect: The executive estimates this provision will save the state \$55.9 million in FY 2010.**

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## Executive

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**30            JFS - 11            FY 2011 Medicaid Reimbursement Rate for Nursing Facilities****Section: 309.30.30**

Adjusts the formula used to calculate nursing facilities' Medicaid reimbursement rates for FY 2011 by (1) increasing the cost per case mix-unit, rate for ancillary and support costs, rate for capital costs, and rate for tax costs as calculated under the formula by 2%, then by another 2%, and then by 1%, (2) providing for the mean payment used in the calculation of the quality incentive payment to be \$3.03 per Medicaid day, and (3) reducing, if the federal government requires that the nursing home franchise permit fee be reduced or eliminated, the payments as necessary to reflect the loss of revenue and federal financial participation generated by the fee.

**Fiscal effect: The executive estimates this provision will save the state \$56.3 million in FY 2011.**

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**31            JFS - 25            FY 2010 Capital Compensation Payments to Nursing Facilities****Sections: 309.30.40, 309.30.50**

Provides for qualifying nursing facilities to receive quarterly capital compensation payments during fiscal year 2010.

Provides that nursing facilities that qualify for the payments are (1) certain nursing facilities that were new as of fiscal year 2006, 2007, or 2008, (2) certain nursing facilities that completed a capital project before December 31, 2008, (3) certain nursing facilities that completed an activity for which a certificate of need is not needed before June 30, 2008, and (4) certain nursing facilities that completed a renovation before December 31, 2008.

Creates formulas to be used to determine the amount of the capital compensation payments.

Terminates all nursing facilities' eligibility for the capital compensation payments at the earlier of July 1, 2010, or the date the total amount of the payments equals \$40 million.

Requires that payments made to qualifying nursing facilities for capital compensation be made from GRF appropriation item 600529, Capital Compensation Program.

**Fiscal effect: This provision increases state Medicaid costs by \$40 million in FY 2010.**

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**32            JFS - 23            FY 2010 Medicaid Reimbursement Rate for ICFs/MR****Section: 309.30.60**

Adjusts the formula used to calculate ICFs/MR's Medicaid reimbursement rates for fiscal year 2010 by (1) limiting an ICF/MR's rate to not more than 108% of its fiscal year 2009 rate, (2) requiring ODJFS to reduce the fiscal year 2010 Medicaid rates for ICFs/MR if the mean total per diem rate for all ICFs/MR, weighted by May 2009 Medicaid days and calculated as of July 1, 2009, after application of the 108% limit, exceeds \$277.25, (3) prohibiting, for the remainder of fiscal year 2010, further adjustments otherwise authorized by law governing Medicaid payments to ICFs/MR, and (4) if the federal government requires that the franchise permit fee for ICFs/MR be reduced or eliminated, reducing the payments to ICFs/MR as necessary to reflect the loss of revenue and federal financial participation generated by the fee.

**Fiscal effect: By imposing a limit on the ICF/MR reimbursement rate, the state may realize cost savings in the Medicaid Program.**

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**33            JFS - 24            FY 2011 Medicaid Reimbursement Rate for ICFs/MR****Section: 309.30.70**

Adjusts the formula used to calculate ICFs/MR's Medicaid reimbursement rates for FY 2011 by (1) limiting an ICF/MR's rate to not more than 107% of its FY 2010 rate, (2) requiring ODJFS to reduce the fiscal year 2011 Medicaid rates for ICFs/MR if the mean total per diem rate for all ICFs/MR, weighted by May 2010 Medicaid days and calculated as of July 1, 2010, after application of the 107% limit, exceeds \$277.25, (3) prohibiting, for the remainder of FY 2011, further adjustments otherwise authorized by law governing Medicaid payments to ICFs/MR, and (4) if the federal government requires that the franchise permit fee for ICFs/MR be reduced or eliminated, reducing the payments to ICFs/MR as necessary to reflect the loss of revenue and federal financial participation generated by the fee.

**Fiscal effect: By imposing a limit on the ICF/MR reimbursement rate, the state may realize cost savings in the Medicaid Program.**

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**Executive**

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**34          JFS - 35          Residential State Supplement Transfer****Section:    309.30.80**

Authorizes the Department of Aging to transfer cash, by intrastate transfer voucher, from GRF appropriation item 490412, Residential State Supplement, and SSR Fund 4J40, PASSPORT/Residential State Supplement, to SSR Fund 4J50, Home and Community-Based Services for the Aged, used by ODJFS. The funds transferred are to be used to make benefit payments to RSS recipients.

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**35          JFS - 27          Fiscal Activities Related to Medicaid Waiver Programs****Section:    309.30.90**

Permits the Director of Budget and Management to seek Controlling Board approval to do the following activities in support of any home and community-based services Medicaid waiver program: (1) create new funds and appropriation items associated with a unified long-term care budget; (2) transfer cash between funds used by affected agencies; and (3) transfer appropriation between appropriation items within a fund and used by the same state agency. Appropriates any transfers of cash approved by the Controlling Board under this section.

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**36          JFS - 28          Money Follows the Person Enhanced Reimbursement Fund****Section:    309.31.10**

Creates SSR Fund 5AJ0, Money Follows the Person Enhanced Reimbursement, into which the federal grant the state receives under the Money Follows the Person Demonstration Program is to be deposited.

**Fiscal effect: The executive estimates that the enhanced portion of the federal reimbursement will be about \$6.2 million in each fiscal year.**

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**37          JFS - 36          Medicare Part D****Section:    309.31.20**

Allows ODJFS to use GRF appropriation item 600526, Medicare Part D, for the implementation and operation of the Medicare Part D requirements. Allows the Director of Budget and Management to increase the state share of appropriations in either GRF appropriation item 600525, Health Care/Medicaid, or GRF appropriation item 600526, with a corresponding decrease in the state share of the other appropriation item.

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**Fiscal effect: Allows the Director of Budget and Management to make transfers between the GRF appropriation items used to fund the Medicaid Program and the state's "clawback" payment to the federal government for Medicare Part D.**

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38            JFS - 37            Ohio Access Success Project and Identification of Overpayments

**Section: 309.31.30**

Allows ODJFS to use (1) up to \$3.0 million in each fiscal year for FY 2010 and FY 2011 to fund the state share of audits or limited reviews of Medicaid providers; (2) up to \$450,000 in each fiscal year for FY 2010 and FY 2011 to provide one-time transitional benefits under the Ohio Access Success Project, from SSR Fund 4J50, Home and Community-Based Services for the Aged, used by ODJFS, if the cash in the fund is in excess of the amounts needed for the required transfers to SSR Fund 4J40, PASSPORT/Residential State Supplement, used by the Department of Aging.

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39            JFS - 38            Transfer of Funds to the Department of Aging

**Section: 309.31.40**

Requires ODJFS to transfer, by intrastate transfer voucher, cash from SSR Fund 4J50, Home and Community-Based Services for the Aged, used by ODJFS, to Fund 4J40, PASSPORT/Residential State Supplement, used by the Department of Aging. Limits the sum of the transfers to \$33,263,984 in each fiscal year. Specifies that the transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

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40            JFS - 39            Provider Franchise Fee Offsets

**Section: 309.31.50**

Requires, at least quarterly, the Director of Job and Family Services to certify to the Director of Budget and Management both of the following: (1) The amount of NF franchise permit fee offsets withheld from payments made from GRF; (2) The amount of ICF/MR franchise permit fee offsets withheld from payments made from GRF. Allows the Director of Budget and Management to transfer cash from the GRF to all of the following:  
(1) SSR Fund 4J50, Home and Community Based Services/Aged, or SSR Fund 5R20, Nursing Facility Stabilization, in accordance with sections 3721.56 and 3721.561 of the Revised Code; (2) SSR Fund 4K10, ICF/MR Bed Assessments. Appropriates the amounts transferred.

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**41            JFS - 40            Transfer of Funds to the Department of Mental Retardation and Developmental Disabilities****Section:    309.31.60**

Requires ODJFS to transfer, by intrastate transfer voucher, cash from SSR Fund 4K10, ICF/MR Bed Assessments, to SSR Fund 4K80, Home and Community-Based Services, used by the Department of Mental Retardation and Developmental Disabilities. Requires the total amount transferred to equal \$12,000,000 in each fiscal year. Specifies that the transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

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**42            JFS - 41            Funding For Transition Waiver Services****Section:    309.31.70**

Allows ODJFS, in each fiscal year, to use cash from SSR Fund 4K10, ICF/MR Bed Assessments Fund, in excess of the amounts needed for transfers to SSR Fund 4K80, Home and Community-Based Services Fund, which is used by the Department of Mental Retardation and Developmental, to cover costs of care provided to participants in a waiver with an ICF/MR level of care requirement administered by ODJFS.

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**43            JFS - 43            Health Care Services Administration Fund****Section:    309.31.90**

Requires that, of the amount received by ODJFS during FY 2010 and FY 2011 from the first installment of assessments paid under section 5112.06 of the Revised Code and intergovernmental transfers made under section 5112.07 of the Revised Code, the Director of Job and Family Services deposit \$350,000 in each fiscal year into the state treasury to the credit of SSR Fund 5U30, Health Care Services Administration, which is used by ODJFS.

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**44            JFS - 44            Medicaid Program Support Fund - State****Section:    309.32.10**

Specifies that GSF Fund 5C90 appropriation item 600671, Medicaid Program Support, be used by ODJFS to pay for Medicaid services and contracts. Specifies that ODJFS may also deposit to GSF Fund 5C90, Medicaid Program Support, revenues received from other state agencies for Medicaid services under the terms of interagency agreements between ODJFS and the other state agencies, and all funds ODJFS recovers because the benefits a person received under the disability medical assistance program were determined to be covered by the Medicaid Program.

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45      JFS - 45      Transfers of IMD/DSH Cash to the Department of Mental Health

**Section: 309.32.20**

Requires ODJFS to transfer, by intrastate transfer voucher, cash from GSF Fund 5C90, Medicaid Program Support, to SSR Fund 4X50, Behavioral Health Medicaid Services, used by the Department of Mental Health in accordance with an interagency agreement that delegates authority from ODJFS to the Department of Mental Health to administer specified Medicaid services.

46      JFS - 46      Prescription Drug Rebate Fund

**Section: 309.32.30**

Specifies that GSF Fund 5P50 appropriation item 600692, Health Care Services, be used by ODJFS to pay for Medicaid services and contracts.

**Hospital Care Assurance Program**

47      JFS - 42      Hospital Care Assurance Match

**Section: 309.31.80**

Specifies that FED Fund 3F00 appropriation item 600650, Hospital Care Assurance Match, only be used for distributing funds to hospitals under the Hospital Care Assurance Program.

48      JFS - 29      Delay of Termination of Hospital Care Assurance Program

**Sections: 640.10, 640.11**

Delays the termination of the Hospital Care Assurance Program to October 16, 2011.

**Fiscal effect: Total appropriations for the Hospital Care Assurance Program are \$582.7 million in FY 2010 and \$586.0 million in FY 2011. The program is funded using appropriation items 600649, Hospital Care Assurance Fund, and 600650, Hospital Care Assurance Match, in ODJFS.**

## Executive

Food Stamp Program

49            JFS - 6            Supplemental Nutrition Assistance Program

R.C.        *5101.54, 176.05, 329.042, 329.06, 955.201,  
2913.46, 3119.01, 3121.898, 3123.952,  
3770.05, 4141.162, 5101.11, 5101.16,  
5101.162, 5101.33, 5101.47, 5101.54,  
5101.541, 5101.542, 5101.544, 5101.84,  
5502.01, 5502.14, 5502.15, 5739.02, Section  
309.40.20*

Renames the Food Stamp Program the Supplemental Nutrition Assistance Program (SNAP) to provide for state law to be consistent with a change made to federal law but permits the ODJFS Director to refer to the program as the Food Stamp Program or the Food Assistance Program in rules and documents.

Requires ODJFS, immediately following a county department of job and family services' certification that a household in immediate need of nutrition assistance is eligible for SNAP, to provide for the household to be sent by regular United States mail an electronic benefit transfer card containing the amount of benefits the household is eligible to receive under the program, rather than requiring a county department staff member to personally hand an authorization-to-participate card to such a household.

Eliminates law that provides that food stamps and any document necessary to obtain food stamps are, except while in the custody of the United States Postal Service, the property of ODJFS from the time ODJFS receives the food stamps from the federal agency responsible for their delivery until they are received by the household entitled to receive them or by that household's authorized representative.

**Fiscal effect: Potential minimal decrease in administrative costs due to reducing administrative procedures in delivering electronic benefit transfer cards to participants.**

50            JFS - 32            Food Assistance Transfer

**Section: 309.40.10**

Permits the Director of Budget and Management, on July 1, 2009, or as soon as possible thereafter, to transfer up to \$1 million in cash from the Food Stamps Program Fund (Fund 3840) to the Food Assistance Fund (Fund 5ES0).

**Executive**

**Fiscal effect: Cash from this transfer is used to support SSR Fund 5ES0 appropriation item 600630, Food Assistance, which totals \$500,000 in each fiscal year. These funds are used to provide assistance to the Ohio Association of Second Harvest Food Banks.**

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51            JFS - 33            Ohio Association of Second Harvest Food Banks

**Section: 309.40.30**

Requires the Director of Job and Family Services in FY 2010 and FY 2011 to provide assistance to the Ohio Association of Second Harvest Food Banks in an amount equal to the assistance provided in FY 2009.

**Fiscal effect: The Ohio Association of Second Harvest Food Banks will receive \$8.5 million in FY 2010 and FY 2011, as this is the amount that the Association is expected to receive in FY 2009.**

**Appropriation Language**


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52            JFS - 57            Agency Fund Group

**Section: 309.20.10**

Specifies that the Agency Fund Group (AGY) and the Holding Account Redistribution Fund Group (7090) are to be used to hold revenues until the appropriate fund is determined or until the revenues are directed to another governmental agency other than ODJFS. Permits the Director of Job and Family Services to request the Director of Budget and Management to authorize expenditures from AGY Fund 1920, Support Intercept-Federal, AGY Fund 5830, Support Intercept-State, AGY Fund 5B60, Food Stamp Offset, and 7090 Fund R012, Refunds and Audit Settlements, and 7090 Fund R013, Forgery Collections, if receipts credited to these funds exceed appropriations. Appropriates the additional amounts upon approval of the Director of Budget and Management.

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## Executive

Unemployment Compensation

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53            JFS - 54            Removal of Unemployment Compensation Advisory Council Members from PERS

R.C.            *4141.08, 145.012*

Removes current and future Unemployment Compensation Advisory Council members from the Public Employees Retirement System (PERS) on and after the effective date of the bill. Specifies that the General Assembly does not intend this removal to prohibit the use of such service for calculation of benefits under the PERS Law for service prior to the provision's effective date. Specifies that the \$50 per day each Council member currently receives is to be considered a "meeting stipend."

**Fiscal effect: Reduces ODJFS' employer contribution to PERS for council members who are no longer defined as state employees under PERS law.**

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54            JFS - 56            Payments from the Unemployment Compensation Special Administrative Fund

R.C.            *4141.11*

Removes the requirement that the Director of Job and Family Services receive approval from the Unemployment Compensation Advisory Council in order to use the Unemployment Compensation Special Administrative Fund (UCSAF) for any of the following reasons: (1) The proper administration of the Unemployment Compensation Law (UCL) and either (a) no federal funds are available for the specific purpose for which the expenditure is to be made, under specified conditions; or (b) for which purpose appropriations from federal funds have been requested and approved but not received, provided the fund would be reimbursed upon receipt of the federal appropriation; (2) To the extent possible, the repayment to the Unemployment Compensation Administration Fund of moneys found by the proper U.S. agency to have been lost or expended for purposes other than, or an amount in excess of, those found necessary by the agency for UCL administration.

Allows the Director, rather than the Council under current law, to determine whether amounts in the UCSAF are considered to be excessive in order to have the excessive amounts transferred into the Unemployment Compensation Fund. Removes the requirement that UCSAF funds be continuously available to the Council for expenditures consistent with the UCL, but retains the requirement that those funds be continuously available to the Director.

**Fiscal effect: Since the provision removes the requirement of Council-approval, the Council may meet less often resulting in a decrease in council-related costs for ODJFS.**

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## Executive

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**55            JFS - 51            Employer Surcharge****Sections: 309.50, 309.50.10**

Reinstates ODJFS's ability to collect an employer surcharge and any associated fines assessed between calendar years 1988 and 1990. (Prior law required contributing employers to pay a surcharge in order to generate revenues to meet the costs of automating the Bureau.) Directs collected revenues to be deposited into SSR Fund 4A90, Unemployment Compensation Administrative.

**Fiscal effect: Potential increase in revenue deposited into Fund 4A90 as ODJFS collects any outstanding fees from delinquent employers. This provision generates a few thousand dollars in revenue each year.**

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**56            JFS - 52            Federal Unemployment Programs****Section: 309.50.20**

Appropriates any unspent funds from FY 2009 in FED Fund 3V40 appropriation item 600678, Federal Unemployment Programs, to ODJFS. At the request of the Director of Job and Family Services, authorizes the Director of Budget and Management to increase appropriations for FY 2010 by the amount remaining unspent from the FY 2009 appropriation and increase appropriations for FY 2011 by the amount remaining unspent from the FY 2010 appropriation. Specifies that the appropriation be used for administrative activities for the UC program, employment services, or any other allowable expenditures under section 903(d) of the Social Security Act. Limits the appropriation increase to the balance of federal funds remaining after benefits are paid and obligated administrative expenditures are taken into account.

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**Executive**

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**57      AGE - 28      Home First Program****Section: 209.20**

Specifies that on a quarterly basis, on receipt of certified expenditures related to sections 173.401, 173.351, and 5111.894 of the Revised Code, the Director of Budget and Management may do the following:

- (1) Transfer cash from SSR Fund 5R20, Nursing Facility Stabilization, used by the Department of Job and Family Services, to SSR Fund 4J40, PASSPORT/Residential State Supplement, used by the Department of Aging;
- (2) Authorize additional expenditures from FED Fund 3C40, PASSPORT, when receipts credited exceed appropriated amounts;
- (3) Authorize additional expenditures from FED Fund 3G50, Interagency Reimbursement, used by the Department of Job and Family Services, when receipts credited exceed appropriated amounts.

Specifies that individuals placed in the PASSPORT, Assisted Living, Residential State Supplement, and PACE pursuant to this section must be in addition to the individuals placed on these programs during FY 2010 and FY 2011 before any transfers to GRF appropriation item 490423, Long Term Care Budget - State, are made.

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**58      AGE - 20      Transfer of Residential State Supplement Appropriations****Section: 209.30**

Specifies that GRF appropriation item 490412, Residential State Supplement, and SSR Fund 4J40 appropriation item 490610, PASSPORT/Residential State Supplement, may be used by the Director of Aging to transfer cash, by intrastate transfer voucher, to SSR Fund 4J50, Home and Community Based Services for the Aged, used by the Department of Job and Family Services. Requires the transferred cash to be used for benefit payments to Residential State Supplement recipients.

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**59      AGE - 27      Transfer of Resident Protection Funds****Section: 209.30**

Specifies that the Director of Budget and Management may transfer \$600,000 cash in each fiscal year from SSR Fund 4E30, Resident Protection, used by the Department of Job and Family Services, to SSR Fund 5BA0, Ombudsman Support, used by the Department of Aging.

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**Executive**

60      AGE - 13      Unified Long-Term Care Budget

**Section: 209.40**

Creates the Unified Long-Term Care Budget Workgroup and requires the Workgroup to develop a unified long-term care budget.

Requires the Directors of Aging and Budget and Management to annually submit a written report describing the progress towards establishing, or if already established, the effectiveness of the unified long-term care budget.

Allows the Director of Budget and Management to seek Controlling Board approval to transfer cash from SSR Fund 5R20, Nursing Facility Stabilization, used by the Department of Job and Family Services, to SSR Fund 4J40, PASSPORT/Residential State Supplement, used by the Department of Aging. Appropriates any cash transferred to SSR Fund 4J40 appropriation item 490610, PASSPORT/Residential State Supplement.

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**Executive**

61      DEV - 49      Workforce Development

**Section: 259.30.90**

Requires the Director of Development and the Director of Job and Family Services to enter into one or more interagency agreements and take other actions to further the integration of a statewide workforce development strategy, implement recommendations and activities of the Workforce Policy Board, and expend moneys to support the Board's recommendations with respect to integration of employment functions.

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## Executive

Early Childhood

62 EDU - 116 Early Childhood Advisory Council and Early Childhood Financing Workgroup

R.C. 3301.90, Section 265.70.20

Creates the Early Childhood Advisory Council to serve as the federally mandated state advisory council on early childhood education and care, and advise the state regarding the creation and duties of the Center for Early Childhood Development in ODE.

Directs the Early Childhood Advisory Council to establish an Early Childhood Financing Workgroup, to be chaired by the chairperson of the Early Childhood Advisory Council, to develop recommendations for a single financing system for early care and education programs. Requires the Council to submit its recommendations to the Governor by December 31, 2009.

**Fiscal effect: There are likely minimal administrative costs associated with the implementation and duties of both the Early Childhood Advisory Council and the Early Childhood Financing Workgroup.**

63 EDU - 57 Center for Early Childhood Development

Section: 265.70.10

Creates the Center for Early Childhood Development, comprised of staff from ODE, and the departments of Job and Family Services and Health, to research and make recommendations regarding the transfer from various state agencies to ODE of the authority and responsibility to implement and coordinate early childhood programs and services for children, beginning with prenatal care until entry into kindergarten.

Directs the Superintendent of Public Instruction to hire a Director for the Center.

Requires the Director of the Center to submit an implementation plan regarding coordination and implementation of early childhood education plans to the Superintendent and Governor not later than August 31, 2009.

Permits the Director of Budget and Management to seek Controlling Board approval to create new funds and non-GRF appropriation items, transfer cash between funds, and transfer appropriation within the same fund used by the same state agency to support the preparation of the implementation plan.

**Fiscal effect: Increase in personnel cost for the Director of the Center for Early Childhood Development.**

## Executive

## 64 EDU - 144 Early Learning Initiative

**Section: 309.40.60**

Requires each county department of job and family services (CDJFS) to determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within 15 days after the CDJFS receives a completed application. Provides that an eligible child is a child (1) who is at least three years of age but not of compulsory school age or enrolled in kindergarten, (2) who is eligible for Title IV-A services, and (3) whose family income at the time of application does not exceed 200% of the federal poverty guidelines (FPG).

Reauthorizes the Early Learning Initiative (ELI), jointly administered by ODE and the Department of Job and Family Services (ODJFS) to provide early learning services on a full-day and part-day basis to TANF-eligible children.

Specifies that once ODE selects an entity to be an early learning agency, ODJFS and ODE must enter into a contract with that entity, and ODE must designate the number of eligible children that the entity may enroll and must notify ODJFS of the number.

Outlines the terms of the contract between ODJFS, ODE, and the early learning agency, as well as the duties of each early learning agency. Specifies both separate duties for ODJFS and ODE to fulfill for ELI, and joint duties.

Requires families of eligible children whose income is more than 100% of the federal poverty guidelines (FPG) and equal to or less than 200% FPG to pay copayments for ELI services and exempts families whose income is equal to or less than 100% FPG from co-payment requirements.

Requires that ODJFS and ODE enter into an interagency agreement to claim expenditures for ELI to the state's TANF maintenance of effort requirement and develop reporting guidelines for these expenditures.

Requires ODJFS and ODE to contract for up to 12,000 enrollment slots for eligible children each fiscal year.

**Fiscal effect: Potential decrease in expenditures due to increase in copayments received from participating families. In FY 2008 and FY 2009 copayments were required only of families whose incomes were 165% FPG to 200% FPG.**

**The executive proposal recommends funding ELI services through GRF appropriation item 600535, Early Care and Education, in the ODJFS budget. Expenditures from this appropriation item will be used to help meet the state's TANF maintenance of effort. In FY 2008 and FY 2009 ELI was funded through an earmark from the TANF Block Grant.**

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**Executive**

65            GOV - 1            Service Coordination Workgroup

**Section: 751.20**

Creates the Service Coordination Workgroup to develop procedures for coordinating services that any of the following provide to individuals under age 21 and their families: the Office of the Governor, the Departments of Alcohol and Drug Addiction Services, Education, Health, Job and Family Services, Mental Health, Mental Retardation and Developmental Disabilities, and Youth Services; the Office of Budget and Management; and the Family and Children First Cabinet Council.

Requires the Workgroup, not later than July 31, 2009, to submit a report to the Governor with recommendations for implementing the procedures.

Permits the Director of Budget and Management to seek Controlling Board approval to transfer cash and appropriations as necessary to implement the Workgroup's recommendations.

**Fiscal effect: Since the representative of the Governor's Office is to serve as the chairperson of the Council, this provision may cause a minimal increase in the Governor's Office's costs to produce the workgroup's report.**

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**Executive**

66      DOH - 27      Nursing Facility Technical Assistance Program

**Section: 289.20**

Specifies that on July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management, may transfer cash from SSR Fund 4E30, Resident Protection, used by the Department of Job and Family Services, to SSR Fund 5L10, Nursing Facility Technical Assistance Program, used by the Department of Health. Limits the transfer to \$698,595 in each fiscal year.

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## Executive

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67           INS - 16           Health Care Coverage and Quality Council

R.C.        3923.90, 3923.91

Creates a 26-member Health Care Coverage and Quality Council to advise the Governor, General Assembly, public and private entities, and consumers on strategies to expand affordable health insurance coverage to more individuals and improve the cost and quality of Ohio's health care system. Enumerates the criteria for selecting those Council members. Specifies that members be reimbursed for mileage and other necessary expenses only. Requires the Council to issue a report on or before December 31 of each year. Exempts for the Council from the current sunset requirement.

**Fiscal effect: Increases the Department of Insurance's administrative costs related to the Health Care Coverage and Quality Council. The 26 members of the Council are not to be compensated for their services, but will be reimbursed for mileage and other necessary expenses. The executive proposal includes \$479,575 each fiscal year in a new line item, 820609, State Coverage Initiative Administration, in order to cover administrative costs of the Council. The new line item is funded by the Department of Insurance Operating Fund (SSR Fund 5540).**

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**Executive**

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68            DMR - 3            ODMR/DD and ODJFS Administration and Oversight Funds

**R.C.            5123.0412**

Permits ODMR/DD and the Department of Job and Family Services to use money in their respective administration and oversight funds for Medicaid administrative costs in general rather than just the administrative and oversight costs of Medicaid case management services and ODMR/DD-administered home and community-based Medicaid waiver services.

**Fiscal effect: Broadens the use of the dollars in the funds.**

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## Executive

Sales and Use Taxes

69            TAX - 23            Sales Taxation of Medicaid-Provided Health Care Services

R.C.            *5739.01, 5739.03, 5739.033, 5739.051*

Subjects to sales and use tax health care services provided or arranged by a Medicaid health insuring corporation for Medicaid enrollees residing in Ohio. Eliminates the tax on those services if federal authorities determine that subjecting those services to taxation constitutes an impermissible "health-care related tax," the imposition of which results in a reduction in federal financial assistance for Medicaid services.

**Fiscal effect: The executive proposal estimates that this provision will increase revenue to the GRF by \$138.0 million in FY 2010 and by \$214.0 million in FY 2011; under the current distribution of the share of sales and use tax revenues to local government funds, the Local Government Fund and the Public Library Fund would gain \$8.6 million in FY 2010 and \$13.4 million in FY 2011. Revenues to local governments under permissive local and transit authorities sales taxes may be up to \$31.5 million in FY 2010 and \$48.9 million in FY 2011.**

Other Taxation Provisions

70            TAX - 22            Domestic and Foreign Insurance Taxes - Medicaid Managed Care

R.C.            *5725.18, 5725.25, 5729.03*

Includes Medicaid premiums received by insurance companies within the tax bases of these taxes. If the insurance company is a domestic insurance company, i.e., if it is headquartered in Ohio, includes the premiums in the domestic insurance tax base. If the company is headquartered in another state, includes the premiums in the foreign insurance tax base.

**Fiscal effect: The executive proposal estimates this provision will increase revenue to the GRF by \$25.1 million in FY 2010 and by \$39.1 million in FY 2011.**