
Executive**General**

JFSCD24 Joint County Departments of Job and Family Services

R.C. *329.40, 329.01, 329.41, 329.42, 329.43,
329.44, 329.45, 329.46, 330.04, 5101.01*

Permits the boards of county commissioners of any two or more counties (rather than only Hocking, Ross, and Vinton counties) to enter into a written agreement to form a joint CDJFS.

Fiscal effect: Potential decrease in administrative costs for counties that form a joint CDJFS.

JFSCD25 Rules Governing Ohio Works First Erroneous Payments

R.C. *5107.05*

Permits ODJFS to adopt rules providing that a CDJFS is not required to take action to recover erroneous payments made under Ohio Works First (rather than rules under which a CDJFS is not required to recover erroneous Ohio Works First payments that are below an amount ODJFS specifies).

Fiscal effect: None.

Child Care

JFSCD26 Suspension of Publicly Funded Child Care Contracts

R.C. *5104.37*

Requires ODJFS to suspend a contract to provide publicly funded child care if (1) the provider receives an improper payment, or (2) ODJFS receives notice that the provider has been charged with certain criminal offenses.

Requires that the suspension continue until the investigation or criminal proceedings are completed or, if ODJFS seeks to terminate the suspended contract, until the termination process is completed.

Prohibits a suspended provider from providing publicly funded child care.

Requires ODJFS to withhold payment for publicly funded child care provided by a suspended provider.

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Requires ODJFS to notify an eligible provider within five days that the provider's contract has been suspended.

Fiscal effect: None. ODJFS currently has authority to withhold any money due to publicly funded child care providers and recover through any appropriate method any money erroneously paid if evidence exists of less than full compliance with state laws and rules.

Child Welfare and Adoption

JFSCD28 Title XX State Plan and Reporting

R.C. *5101.46*

Requires ODJFS prepare an annual, rather than a biennial, Title XX social services plan and that ODJFS report on the use of Title XX funds each federal fiscal year, rather than each state fiscal year.

Makes corresponding changes for other state departments and local agencies that are required to submit information needed to prepare the annual plan and report.

Fiscal effect: None. Brings Ohio's reporting practices into compliance with federal requirements.

Medicaid

JFSCD9 Uniform Eligibility Standards and Procedures

R.C. *121.35*

Requires the Departments of Aging, Alcohol and Drug Addiction Services, Development, Developmental Disabilities, Education, Health, Job and Family Services, Mental Health, and Rehabilitation Services Commission to collaborate to revise eligibility standards and eligibility determination procedures of programs they administer for the purpose of making the standards and procedures more uniform.

Fiscal effect: None.

Executive

JFSCD12 Identification of Health Transformation Initiatives and Adoption of Operating Protocols for State Agencies

R.C. 191.06

Authorizes the OHT Executive Director or the Director's designee to facilitate the coordination of operations and exchange of information between certain state agencies.

Requires the OHT Executive Director or the Director's designee to identify each health transformation initiative in Ohio that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of specifying each participating agency's role in the initiative or facilitating the exchange of data or other information for the initiative.

Requires the OHT Executive Director or the Director's designee to adopt, in consultation with each participating agency, one or more operating protocols for each health transformation initiative identified as described above.

Specifies that provisions in an operating protocol supersede any conflicting provisions in an interagency agreement.

Specifies certain terms an operating protocol is required and permitted to include.

Specifies that an operating protocol has the same force and effect as an interagency agreement or data sharing agreement, and requires each participating agency to comply with it.

Requires the ODJFS Director to determine whether a waiver of federal Medicaid requirements or a Medicaid state plan amendment is necessary to fulfill the bill's requirements and to apply for such a waiver or amendment if necessary.

Fiscal effect: Potential increase in administrative costs if a waiver of federal Medicaid requirements or a Medicaid state plan amendment are needed.

Executive

JFSCD13 Exchange of Protected Health Information and Personally Identifiable Information Related to and in Support of Health Transformation Initiatives**R.C. 191.06**

Authorizes, in accordance with federal laws governing the confidentiality of individually identifiable information, certain state agencies (participating agencies) to exchange "protected health information" (as that term is defined in regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 (HIPAA)) with each other relating to eligibility for or enrollment in a health plan or relating to participation in a government program providing public benefits if the exchange of information is necessary for (1) operating a "health plan" (as defined in HIPAA regulations) or (2) coordinating, or improving the administration or management of, the health care-related functions of at least one government program providing public benefits.

Authorizes, only for FY 2013, a participating state agency to exchange "personally identifiable information" (as defined by the bill) for purposes related to and in support of a health transformation initiative identified by the OHT Executive Director.

Imposes certain conditions on a participating agency's use or disclosure of personally identifiable information, including:

- (1) Requires each participating agency to use or disclose the information as permitted or required by state and federal law;
- (2) Requires the use or disclosure to be in accordance with all applicable operating protocols for health transformation initiatives adopted by the OHT Executive Director or the Director's designee, if the information is obtained during FY 2013 from an exchange of information between participating agencies.
- (3) Requires a participating agency (other than ODJFS) that uses or discloses protected health information relating to Medicaid recipients to comply with all state and federal laws that apply to ODJFS when ODJFS uses or discloses protected health information.
- (4) Requires a participating agency to implement administrative, physical, and technical safeguards for purposes of protecting the confidentiality, integrity, and availability of personally identifiable information the creation, receipt, maintenance, or transmittal of which is affected or governed by an operating protocol for a health transformation initiative.
- (5) Specifies steps a participating agency must take when it discovers an unauthorized use or disclosure of unsecured individually identifiable health information.
- (6) Requires a participating agency to make available to the OHT Executive Director or the Director's designee, and to any other state or federal governmental entity required by law to have access on that entity's request, all internal practices, records, and documentation relating to personally identifiable information it receives, uses, or discloses that is affected or governed by an operating protocol for a health transformation initiative.

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(7) Requires a participating agency to return or destroy all personally identifiable information received directly from or on behalf of another participating agency when an operating protocol for a health transformation initiative terminates or expires if the return or destruction is feasible.

(8) Requires, if a participating agency enters into a business associate agreement or subcontract, the business associate or subcontractor to comply with the bill's provisions governing the use or disclosure of personally identifiable information as if the business associate or subcontractor were a state agency.

Fiscal effect: None. Generally brings Ohio law into compliance with federal law.

JFSCD8 Indirect Guarantee Test Regarding Franchise Permit Fees**R.C. 3721.51, 5112.31**

Requires ODJFS to recalculate franchise permit fees when conditions of existing law are met and 75% or more of the total number of nursing homes, hospital long-term care units, and intermediate care facilities for the mentally retarded receive enhanced Medicaid payments or other state payments equal to 75% or more of their franchise permit fees.

Fiscal effect: None.

JFSCD14 Use and Disclosure of Protected Health Information by Covered Entities**R.C. 3798.01, 3798.02, 3798.03, 3798.04, 3798.06,
3798.08, 3798.12, 3798.13**

Enacts, into state law, federal requirements for a covered entity's (as defined by the HIPAA Privacy Rule) use and disclosure of protected health information.

Specifies that any state or local requirement that conflicts with the state law requirements referenced above, or that conflicts with other provisions of the bill pertaining to the confidentiality, privacy, security, or privileged status of protected health information, is generally unenforceable.

Restricts the circumstances under which a covered entity may disclose protected health information to an "approved health information exchange" (see section titled "Approved Health Information Exchanges") without valid authorization from the individual who is the subject of the information or the individual's personal representative.

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Specifies that a covered entity that accesses or discloses protected health information in conformance with the bill is immune from civil liability, criminal prosecution, and professional disciplinary action arising out of or relating to the access or disclosure.

Fiscal effect: None. Generally brings Ohio law into compliance with federal law.

JFSCD15 Standard Authorization Form - Use and Disclosure of Protected Health Information and Substance Abuse Records in Ohio

R.C. 3798.10

Requires the ODJFS Director, in consultation with OHT, to adopt rules prescribing a standard authorization form meeting federal requirements for the use and disclosure of protected health information and substance abuse records.

Requires a standard authorization form adopted by the ODJFS Director to be accepted by any person or governmental entity in Ohio as valid authorization for the use or disclosure of protected health information and substance abuse records to the persons or governmental entities specified in the form.

Specifies that the bill does not preclude a different form from being accepted as valid authorization for the use or disclosure of protected health information and substance abuse records in Ohio if the other form meets all federal requirements.

Fiscal effect: None. Generally brings Ohio law into compliance with federal law.

JFSCD16 Approved Health Information Exchanges

R.C. 3798.14, 3798.16

Authorizes the ODJFS Director, in consultation with OHT, to adopt rules to do the following:

(1) Establish standards the ODJFS Director must use to approve regional and statewide health information exchanges operating in Ohio.

(2) Establish processes for (a) a health information exchange to apply to the ODJFS Director for approval to operate as an approved health information exchange, (b) the ODJFS Director to investigate and resolve concerns and complaints regarding an approved health information exchange, (c) a health information exchange to apply for reconsideration of a decision the ODJFS Director makes under a process described in (a) or (b), above, and (d) covered entities and approved health information exchanges to enter into participation agreements and enforce the terms of such agreements.

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(3) Specify the contents of participation agreements.

Fiscal effect: Minimal increase in costs to adopt rules.

JFSCD23 **Reports on ODJFS Programs**

R.C. 5101.97 (repealed)

Eliminates the requirement that ODJFS report twice a year on the characteristics of individuals participating in or receiving services from programs ODJFS operates.

Eliminates provisions specifying certain procedures ODJFS is permitted or required to follow in preparing and submitting reports on its programs.

Fiscal effect: Savings in administrative costs.

JFSCD6 **Collection of Long-Term Care Facility Medicaid Debts**

R.C. 5111.651 (repealed)

Repeals an obsolete law that exempted a nursing facility or ICF/MR from laws regarding the collection of Medicaid debts if the facility underwent a facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator on or before September 30, 2005, and provided written notice of the action not later than June 30, 2005.

Fiscal effect: None.

JFSCD30 **ODJFS-Related Medicaid Criminal Records Checks**

**R.C. 5111.032, 109.57, 109.572, 5111.031,
5111.033, 5111.034**

Revises the law governing criminal records checks of non-waiver Medicaid providers, certain applicants for non-waiver Medicaid provider agreements, and owners and prospective owners, officers and prospective officers, board members and prospective board members, and employees and prospective employees of the providers and applicants as follows:

(1) Revises the list of disqualifying offenses;

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(2) Permits ODJFS to require a non-waiver Medicaid provider or applicant to determine whether an employee or prospective employee is included in databases specified in rules before requiring the provider or applicant to require the employee or prospective employee to undergo the criminal records check;

(3) Authorizes ODJFS to adopt rules specifying the circumstances under which a provider or applicant is prohibited from employing a person who is found by a database review to be included in a database;

(4) Permits the criminal records check to be made available to a provider or applicant that requires the criminal records check and a court, hearing officer, or other necessary individual involved in a case dealing with a civil or criminal action regarding the Medicaid program;

(5) Clarifies when a designee of ODJFS may take an action related to the criminal records check for ODJFS.

Revises the law governing criminal records checks for employment positions involving home and community-based services provided by waiver agencies under ODJFS-administered Medicaid waiver programs as follows:

(1) Revises the definition of "waiver agency" to limit this law's application to an agency (not an independent provider) that provides home and community-based services under an ODJFS-administered Medicaid waiver program, other than such an agency that is certified under Medicare;

(2) Establishes a database review system to precede a criminal records check;

(3) Permits the ODJFS Director to adopt rules requiring employees to undergo database reviews and criminal records checks as a condition of continuing employment;

(4) Revises the list of disqualifying offenses for which a criminal records check is to search;

(5) Permits the results of the criminal records check to be made available to a court, hearing officer, or other necessary individual involved in a case dealing with a civil or criminal action regarding the Medicaid program;

(6) Eliminates obsolete provisions regarding existing employees but provides that the elimination does not preclude ODJFS from taking action against a person who failed to comply with the provisions.

Revises the law governing criminal records checks of persons seeking or holding Medicaid provider agreements as independent providers under ODJFS-administered Medicaid waiver programs as follows:

(1) Revises the list of disqualifying offenses;

(2) Clarifies when a designee of ODJFS may take an action related to the criminal records check for ODJFS;

(3) Provides that the criminal records check may be made available to an individual who receives home and community-based services from the subject of the criminal records check;

(4) Permits the results of the criminal records check to be made available to a court, hearing officer, or other necessary individual involved in a case dealing with a civil or criminal action regarding the Medicaid program.

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Fiscal effect: Minimal increase in administrative costs.

JFSCD5 Medicaid Managed Care Contract Decisions Excluded from Administrative Hearings**R.C. 5111.06**

Eliminates a provision that generally excludes the Medicaid managed care system from a requirement that ODJFS issue orders regarding provider agreements and final fiscal audits by conducting an adjudication under the Administrative Procedure Act (R.C. Chapter 119.). Provides, instead, that the adjudication requirement does not apply to any action or decision by ODJFS regarding whether to contract with a managed care organization for purposes of the Medicaid managed care system.

Fiscal effect: None.

JFSCD17 Medicaid Cost Containment Reports**R.C. 5111.091**

Requires the ODJFS Director to submit Medicaid reports to the General Assembly semi-annually, rather than quarterly, on programs for cost containment, efficiency, and health promotion.

Eliminates provisions requiring that each report include information on specified topics, including provider network management, electronic claims, performance-based payments, third-party liability enforcement, implementation of computerized data systems, and policies for electronic health records.

Fiscal effect: Minimal savings in administrative costs.

JFSCD10 Nursing Facilities' Wheelchair, Resident Transportation, and Tax Costs**R.C. 5111.20, 5111.242, 5111.254**

Makes a nursing facility's wheelchair and resident transportation costs reimbursable under Medicaid as part of direct care costs rather than ancillary and support costs.

Clarifies that certain tax costs are a separate category for purposes of nursing facilities' Medicaid rates.

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Fiscal effect: None.

JFSCD11 Medicaid Payments to Reserve Beds in ICFs/MR and Nursing Facilities

R.C. *5111.20, 3721.50, 5111.23*

Provides that all days for which payment is made under the Medicaid program to reserve a bed in an (ICF/MR during a Medicaid recipient's temporary absence are considered inpatient days and Medicaid days for the purpose of the formulas used to determine Medicaid rates for ICFs/MR.

Provides that 50% of the days for which payment is made under the Medicaid program to reserve a bed in a nursing facility during a Medicaid recipient's temporary absence are considered inpatient days and Medicaid days for the purpose of the formulas used to determine nursing facilities' Medicaid rates.

Fiscal effect: None.

JFSCD19 Critical Access Incentive Payments

R.C. *5111.246, 5111.222*

Provides for qualifying nursing facilities to receive critical access incentive payments as part of their Medicaid rates.

Fiscal effect: Increase in Medicaid costs of \$1,784,734 (\$650,000 state share).

JFSCD31 Ohio Home Care Program's Home First Component

R.C. *5111.862*

Provides that an individual participating in the Money Follows the Person demonstration project may potentially qualify for the Home First component of the Ohio Home Care Program by residing, at the time the individual applies for the Program, in an institution for children certified by ODJFS.

Fiscal effect: Potential Medicaid savings. It is estimated that an additional 200 children per year will have the opportunity to transition from an institutions into community settings.

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JFSCD29 Conversion of ICF/MR Beds

R.C. 5111.877, 5111.878, 5111.874

Permits the ODJFS Director to seek federal approval for up to 500 (rather than 200) slots for home and community-based services provided for the purpose of beds that convert from providing ICF/MR services to home and community-based services.

Prohibits the conversion of more than 500 (rather than 100) ICF/MR beds.

Eliminates the requirement that the ODJFS Director approve the conversion of ICF/MR beds and maintains the requirement that the ODODD Director approve the conversion.

Fiscal effect: Potential decrease in Medicaid costs assuming that home and community-based services are generally less expensive than institutional care.

JFSCD1 Health Care/Medicaid Support and Recoveries Fund and Medicaid Program Support State Fund

R.C. 5111.941, Section 601.40
 Amends Sections 263.10.90, 263.20.40,
 309.37.30 (Repealed), and 309.37.40
 (Repealed) of H.B. 153

Renames the Medicaid Revenue and Collections Fund (Fund 5DL0) the Health Care/Medicaid Support and Recoveries Fund.

Provides for the following to be credited to the Health Care/Medicaid Support and Recoveries Fund:

- (1) Federal reimbursement received for disproportionate share hospital payment adjustments made to the Department of Mental Health's hospitals;
- (2) Revenues ODJFS receives for Medicaid services from another state agency pursuant to an interagency agreement, other than such revenues required to be deposited into the Health Care Services Administration Fund.

Requires the OBM Director to transfer any remaining cash balance in the Medicaid Program Support State Fund (Fund 5C90) to Fund 5DL0 and abolishes Fund 5C90 once the transfer is complete.

Provides for ODODD to transfer certain funds to Fund 5DL0, rather than Fund 5C90.

Executive

JFSCD20 ODJFS Revenue from Eligibility Verification Services

R.C. *5111.941, 5111.171, 5111.946, Section 601.40*
Amends Sections 309.30.33 and 309.35.73 of
H.B. 153

Provides for money that ODJFS receives in a fiscal year for performing eligibility verification services necessary for compliance with a federal regulation regarding independent, certified audits for disproportionate share hospital payments to be credited as follows:

- (1) The first \$750,000 of such money received in a fiscal year is to be credited to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0);
- (2) The remainder of such money received in a fiscal year is to be credited to the Health Care Compliance Fund (Fund 4Z10).

JFSCD3 HOME Choice Demonstration Component of Medicaid

R.C. *5111.96*

Expresses in statute the authority of the ODJFS Director to operate the existing HOME Choice demonstration component of the Medicaid program to the extent that funds are available under a federal Money Follows the Person demonstration project and authorizes the ODJFS Director to adopt rules for administration and operation of the component.

Fiscal effect: Minimal cost to adopt rules.

JFSCD7 Ohio Access Success Project

R.C. *5111.97*

Permits a contract between ODJFS and an entity regarding Ohio Access Success Project fiscal management services to provide for the contract entity to receive a portion of a project participant's benefits.

Fiscal effect: None.

Executive

JFSCD27 Redetermining a Converted ICF/MR's Franchise Permit Fee
R.C. 5112.331, 5112.31, 5112.33, 5112.341

Requires ODJFS, on receipt of a notice from the ODH Director that an ICF/MR has converted one or more of its beds to providing home and community-based services, to (1) terminate the ICF/MR's franchise permit fee if the Director's notice indicates that the ICF/MR's Medicaid certification has been terminated or (2) redetermine the ICF/MR's franchise permit fee if the Director's notice indicates that the ICF/MR's Medicaid-certified capacity has been reduced.

Fiscal effect: Decreases in the ICF/MR's franchise permit fee revenue if there is termination in ICF/MR's Medicaid certification or reduction in the ICF/MR's Medicaid-certified capacity.

JFSCD2 OHP Health Care Grants Fund**Section: 506.10**

Permits ODJFS, for FY 2012 and FY 2013, to deposit into the OHP Health Care Grants Fund (Fund 3FA0) federal grants for the administration of health care programs that ODJFS receives under the federal health care reform laws enacted in 2010.

Requires ODJFS to use the money in the Fund 3FA0 to pay for expenses incurred in carrying out duties ODJFS assumes by accepting such federal grants, including expenses for the administration of health care programs.

JFSCD4 Hospital Quality Factors and Incentive Payments Under Medicaid**Section: 601.40*****Amends Section 309.30.30 of H.B. 153***

Requires the ODJFS Director to include quality factors and quality-based incentive payments in rules to be adopted under the Medicaid program that modify the inpatient capital reimbursement methodology, establish new diagnosis-related groups, and implement other changes to hospital inpatient and outpatient reimbursement methodologies.

Fiscal effect: It is assumed that these changes will be budget neutral.

Executive

JFSCD18 **Designation of Agency to Perform Level Of Care Assessments**

Section: *601.40*
Amends Section 209.20 of H.B. 153

Permits, rather than requires, ODJFS to designate the Department of Aging to perform assessments of whether Medicaid applicants and recipients need the level of care provided by nursing facilities.

Fiscal effect: None.

JFSCD21 **Health Care Compliance Fund Used for Consultant Contracts**

Section: *601.40*
Amends Section 309.35.73 of H.B. 153

Permits amounts appropriated for FY 2012 and FY 2013 from the Health Care Compliance Fund (Fund 4Z10) to be used for contracts for consultants regarding Medicaid in addition to other purposes currently permitted by law.

Executive

Early Childhood

EDUCD1 Step Up to Quality Program - Early Childhood Education Programs

Section: *601.40*
Amends Section 267.10.10 of H.B. 153

Requires each early childhood education program that receives state funding through GRF appropriation item, 200408, Early Childhood Education, to participate in the Step Up to Quality Program administered by the Department of Job and Family Services, and to be rated in the Program by July 1, 2016.

Fiscal effect: May increase administrative costs for the early childhood education programs and the Department of Job and Family Services.

EDUCD2 Step Up to Quality Program - Special Education

Section: *601.40*
Amends Section 267.30.20 of H.B. 153

Requires school districts, educational service centers, and county DD boards serving preschool children with disabilities to participate in the Step Up to Quality Program administered by the Department of Job and Family Services, and to be rated in the Program by July 1, 2018.

Fiscal effect: May increase administrative costs for school districts, educational service centers, county DD boards, and the Department of Job and Family Services.
