

Executive

As Passed by the House

As Reported by Senate Finance

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.

No provision.

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

No provision. Included in H.B. 509, As Introduced.

No provision.

R.C. 5101.97, (Repealed)

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

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

Same as the Executive

Specifies that a joint CDJFS is a public office and therefore subject to audit by the Auditor of State.

Fiscal effect: Same as the Executive.

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R.C. 5101.97, (Repealed)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.

R.C. 5101.97, (Repealed)

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5101.97

Replaces the Executive provision with a provision that requires ODJFS to report on the characteristics of individuals participating in or receiving services from programs ODJFS operates four times each year, instead of two times each year as under current law.

No provision.

Fiscal effect: Minimal increase in administrative costs.

Executive

As Passed by the House

As Reported by Senate Finance

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.

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

No provision.

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.

R.C. 5104.37

Same as the Executive.

No provision.

Fiscal effect: Same as the Executive.

R.C. 5104.37

Same as the Executive, but permits rather than requires ODJFS to suspend a contract under the two conditions.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Permits an eligible provider whose contract is suspended under the bill's provisions to appeal to ODJFS and requires ODJFS to issue a decision on the appeal within 30 days.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

Child Support Enforcement

JFSCD40 Criminal Records Check Requests by Public Children Services Agencies

No provision.

No provision.

R.C. 109.572, 2151.33, and 2151.412

Authorizes a public children services agency to request a criminal records check of a parent, guardian, custodian, prospective custodian, or prospective placement when a hearing is pending on a complaint alleging that a child has violated R.C. 2151.87 (tobacco use), is a juvenile traffic offender, or is an unruly, abused, neglected, or dependent child, when a motion has been made in a case involving such a complaint for an order relating to temporary custody or certain other matters, or when a juvenile court has made a finding that a child is an abused, neglected, or dependent child; requires the Bureau of Criminal Identification and Investigation to conduct the criminal records check; and provides that a subject who fails to complete the documentation necessary for the criminal records check may be held in contempt of court.

Fiscal effect: Potential increase in costs to the Bureau of Criminal Identification and Investigation or public children services agencies if either entity would be required to pay for the criminal background checks.

Executive

As Passed by the House

As Reported by Senate Finance

Child Welfare and Adoption

JFSCD32 Public Children Services Agency Appeals

R.C. *2501.02, 5153.18*

No provision.

Grants a court of appeals jurisdiction over any appeal brought by any party, including a public children services agency, in relation to a ruling on a motion to modify a prior dispositional order.

No provision.

No provision.

Provides that a public children services agency has a substantial right in protecting alleged abused, neglected, or dependent children and in achieving permanency for a child committed to the agency.

No provision.

Fiscal effect: None.

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.

R.C. *5101.46*

Same as the Executive.

R.C. *5101.46*

Same as the Executive.

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

Same as the Executive.

Same as the Executive.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

Title IV-A Temporary Assistance for Needy Families

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.

R.C. 5107.05

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5107.05

Same as the Executive.

Fiscal effect: Same as the Executive.

JFSCD37 Ohio Works First Sanctions

No provision.

No provision.

R.C. 5107.16, 5107.05, and 5107.17

Revises the law governing sanctions under the Ohio Works First (OWF) Program as follows:

No provision.

No provision.

(1) Requires a member of an assistance group to complete all compliance activities, which are to be specified in rules, in order for the member's failure or refusal to comply with a self-sufficiency contract to be considered to have ceased, instead of requiring an assistance group member who causes a sanction to provide a completed compliance form to a CDJFS.

No provision.

No provision.

(2) Requires an assistance group to reapply for OWF as a condition of resuming participation following a sanction if a member's failure or refusal to comply with a self-sufficiency contract is not considered to have ceased until after the minimum number of months the sanction must last.

Executive

As Passed by the House

As Reported by Senate Finance

No provision.

No provision.

(3) Requires an assistance group member who causes a sanction to enter into a new, or amend an existing, self-sufficiency contract as a condition of resuming participation in OWF following the sanction if required to do so by rules the ODJFS Director is to adopt.

Fiscal effect: Minimal increase in costs for ODJFS to establish rules. Potential increase in costs for CDJFSs to process additional OWF applications and to monitor compliance activities based on agency rules.

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.

R.C. 121.35

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 121.35

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

JFSCD13 Exchange of Protected Health Information and Personally Identifiable Information by State Agencies Related to and in Support of Health Transformation In

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

R.C. 191.06

Same as the Executive.

Same as the Executive.

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

R.C. 191.04, 191.06

Same as the Executive.

Same as the Executive.

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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.

(3) Same as the Executive.

(3) Same as the Executive, but clarifies that the condition applies only when the information is obtained from ODJFS or another agency operating a component of the Medicaid program.

(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.

(4) Same as the Executive.

(4) Replaces the Executive's provision with a provision that requires the state 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 conditions the bill establishes.

(5) Specifies steps a participating agency must take when it discovers an unauthorized use or disclosure of unsecured individually identifiable health information.

(5) Same as the Executive.

(5) Same as the Executive.

(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.

(6) Same as the Executive.

(6) Replaces the Executive's provision with a provision that requires the state agency to make available to the OHT Executive Director, the Director's designee, or 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 conditions the bill establishes.

(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.

(7) Same as the Executive.

(7) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

(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.

(8) Same as the Executive.

(8) Same as the Executive.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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

R.C. 191.06

R.C. 191.06

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.

Same as the Executive.

Same as the Executive.

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.

Same as the Executive.

Same as the Executive.

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.

Same as the Executive.

Same as the Executive.

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

Same as the Executive.

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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

Same as the Executive.

Same as the Executive.

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.

Same as the Executive.

Same as the Executive.

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.

Same as the Executive.

Same as the Executive.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

JFSCD8 Indirect Guarantee Test Regarding Franchise Permit Fees

R.C. 3721.51, 5112.31

R.C. 3721.51, 5112.31

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.

Same as the Executive.

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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

R.C. 3798.01, 3798.02, 3798.03, 3798.04, 3798.06, 3798.07, 3798.08, 3798.12, 3798.13

R.C. 3798.01, 3798.02, 3798.03, 3798.04, 3798.06, 3798.07, 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.

Same as the Executive.

Same as the Executive.

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.

Same as the Executive.

Same as the Executive.

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.

Same as the Executive, but instead expresses some of the restrictions as conditions on disclosure.

Same as the House.

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.

Same as the Executive.

Same as the Executive.

No provision.

Specifies that an approved health information exchange is immune from civil liability and not subject to criminal prosecution arising out of or related to a covered entity's disclosure of protected health information to the exchange, or use of protected health information accessed from the exchange, if the disclosure or use complies with the bill.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Finance

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

JFSCD16 Approved Health Information Exchanges

R.C. 3798.14, 3798.16

Defines a "health information exchange" as any person or government entity in Ohio that (1) operates a technical infrastructure for the electronic movement of health information among covered entities, and (2) establishes and enforces policies governing the use of the technical infrastructure that is operated.

Defines an "approved health information exchange" as a health information exchange that has been approved or reapproved by the ODJFS Director pursuant to the approval or reapproval process the ODJFS Director must establish in rules required by the bill.

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

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

R.C. 3798.01, 3798.14, 3798.15, 3798.16

Replaces the Executive provision with a provision that defines a "health information exchange" as any person or governmental entity that provides in Ohio a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information, and specifies that it excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

Same as the Executive, but specifies that an "approved health information exchange" may also be a health information exchange certified by the Office of the National Coordinator for Health Information Technology in the U.S. Department of Health and Human Services.

Same as the Executive.

(1) Same as the Executive, but (a) refers only to health information exchanges operating in Ohio (rather than "regional and statewide" health information exchanges), (b) prohibits the rules from being adopted until the earlier of 60 days following the adoption of a federal certification process for health information exchanges by the Office of the National Coordinator for Health Information Technology or January 1, 2013, and (c) requires the rules to be consistent with the certification standards for health information

R.C. 3798.01, 3798.14, 3798.15, 3798.16

Same as the House.

Same as the House.

Same as the Executive.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Finance

(2) Processes for (a) a health information exchange to apply to the ODJFS Director for approval and reapproval 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.

exchanges established in federal law.

(2) Replaces the Executive provision described in (2)(a) with a provision that requires establishment of processes for obtaining approval or reapproval to operate in Ohio.

Same as the House.

(3) Contents of participation agreements, which must include procedures for an individual or the individual's personal representative to submit to the covered entity a written request to place restrictions on the covered entity's disclosure of protected health information to the approved health information exchange.

(3) Same as the Executive, but specifies that the procedures must take into consideration the technical capabilities of software available to health information exchanges.

Same as the House.

Fiscal effect: Minimal increase in costs to adopt rules.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 3798.10

Same as the Executive.

R.C. 3798.10

Same as the Executive.

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

Same as the Executive.

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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.

Same as the Executive.

Same as the Executive.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 5111.651, (Repealed)

Same as the Executive.

R.C. 5111.651, (Repealed)

Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

JFSCD36 Office of Medical Assistance

No provision.

No provision.

R.C. 5111.01, 185.03 (3701.924), 3742.31, 3742.32, 5107.16, 5111.013, 5111.014, 5111.0115, 5111.0120, 5111.16, and 5111.161; Sections 601.40, 601.41, and 751.03

Establishes the Office of Medical Assistance in ODJFS.

Executive

As Passed by the House

As Reported by Senate Finance

No provision.

No provision.

Provides for the Governor to appoint the Medical Assistance Director and for the Director to serve at the Governor's pleasure.

No provision.

No provision.

Transfers ODJFS's duties and authorities regarding Medicaid and the Children's Health Insurance Program to the Office of Medical Assistance.

Fiscal effect: None.

JFSCD30

ODJFS-Related Medicaid Criminal Records Checks

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

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

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:

Same as the Executive.

Same as the Executive.

(1) Revises the list of disqualifying offenses;

(1) Same as the Executive.

(1) Same as the Executive.

(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;

(2) Same as the Executive.

(2) Same as the Executive.

(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

(3) Same as the Executive.

(3) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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;

(4) Same as the Executive.

(4) Same as the Executive.

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

(5) Same as the Executive.

(5) Same as the Executive.

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:

Same as the Executive.

Same as the Executive.

(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;

(1) Same as the Executive.

(1) Same as the Executive.

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

(2) Same as the Executive.

(2) Same as the Executive.

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

(3) Same as the Executive.

(3) Same as the Executive.

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

(4) Same as the Executive.

(4) Same as the Executive.

(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;

(5) Same as the Executive.

(5) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

(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.

(6) Same as the Executive.

(6) Same as the Executive.

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:

Same as the Executive.

Same as the Executive.

(1) Revises the list of disqualifying offenses;

(1) Same as the Executive.

(1) Same as the Executive.

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

(2) Same as the Executive.

(2) Same as the Executive.

(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;

(3) Same as the Executive.

(3) Same as the Executive.

(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.

(4) Same as the Executive.

(4) Same as the Executive.

Fiscal effect: Minimal increase in administrative costs.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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.

R.C. 5111.06

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5111.06

Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 5111.091

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5111.091

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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.

Fiscal effect: None.

R.C. 5111.20, 5111.242, 5111.254

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5111.20, 5111.242, 5111.254

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 5111.20, 3721.50, 5111.23

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5111.20, 3721.50, 5111.23

Same as the Executive.

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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).

R.C. 5111.246, 5111.222

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5111.246, 5111.222

Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 5111.862

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5111.862

Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 5111.877, 5111.878, 5111.874

Same as the Executive.

R.C. 5111.877, 5111.878, 5111.874

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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

Same as the Executive.

Same as the Executive.

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.

Same as the Executive.

Same as the Executive.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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*

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*

R.C. *5111.941, 5111.946, 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.

Same as the Executive.

Same as the Executive, but corrects a cross reference to 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.

Same as the Executive.

Same as the Executive.

Requires the OBM Director to transfer any remaining cash balance in the Medicaid Program Support State Fund (Fund

Same as the Executive.

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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.

Same as the Executive.

Same as the 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*

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

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).

Same as the Executive.

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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.

R.C. 5111.96

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5111.96

Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 5111.97

Same as the Executive.

Fiscal effect: Same as the Executive.

R.C. 5111.97

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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 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 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.

R.C. 5112.331, 5112.31, 5112.33, 5112.341

Same as the Executive, but requires ODJFS to redetermine an ICF/MR's franchise permit if the ICF/MR undergoes a conversion during the period beginning on the first day of May of a calendar year and ending on the first day of January of the immediately following calendar year rather than if, after the date ODJFS determines the ICF/MR's franchise permit fee for a fiscal year, ODJFS receives a notice from the ODH Director regarding the conversion and requires ODJFS, if the ICF/MR's Medicaid certification is reduced rather than terminated, to redetermine the ICF/MR's franchise permit fee for the second half of a fiscal year rather than the number of days remaining in the fiscal year as of the first day of the quarter immediately following the quarter in which ODJFS receives notice of the conversion.

Fiscal effect: Same as the Executive.

R.C. 5112.331, 5112.31, 5112.33, 5112.341

Same as the House.

Fiscal effect: Same as the Executive.

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.

Section: 506.10

Same as the Executive.

Section: 506.10

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

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.

Same as the Executive.

Same as the Executive.

JFSCD4 Hospital Quality Factors and Incentive Payments Under Medicaid

Section: 601.40
Amends Section 309.30.30 of H.B. 153

Section: 601.40
Amends Section 309.30.30 of H.B. 153

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.

Same as the Executive.

Same as the Executive.

No provision.

Requires a Medicaid managed care organization, for purposes of making a payment for a hospital inpatient service, to use a new diagnosis-related group that ODJFS is required to establish under current law.

No provision.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

JFSCD18 Designation of Agency to Perform Level Of Care Assessments

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

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

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.

Same as the Executive.

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Finance

Fiscal effect: None.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

JFSCD21 Health Care Compliance Fund Used for Consultant Contracts

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

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

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.

Same as the Executive.

Same as the Executive.

JFSCD34 Medicaid Managed Care Exemption for Medically Handicapped Children

Section: *601.40*
Amends Section 309.30.53 of H.B. 153

Section: *601.40*
Amends Section 309.30.53 of H.B. 153

No provision.

Modifies current laws that prohibit use of Medicaid managed care for an individual in the program for medically handicapped children who has cystic fibrosis, hemophilia, or cancer, but only if the individual was not receiving Medicaid care management services immediately before June 30, 2011, to provide that those individuals are not to be included in the care management system until the later of the following: (1) January 1, 2014; (2) One year after the date that ODJFS first designates any individual who receives Medicaid on the basis of being aged, blind, or disabled who is under 21 as an individual who is permitted or required to participate in the care management system.

Same as the House.

Fiscal effect: None.

Fiscal effect: Same as the House.

Executive

As Passed by the House

As Reported by Senate Finance

JFSCD35 FY 2013 QUALITY BONUS PAYMENTS TO NURSING FACILITIES

**Sections: 751.05, Section 601.40
Amends Section 309.30.10 of H.B. 153**

**Sections: 751.05, Section 601.40
Amends Section 309.30.10 of H.B. 153**

No provision.

Revises the eligibility requirements that nursing facilities must meet to receive quality bonuses under Medicaid for FY 2013, provides for a total of \$30 million to be spent on the quality bonuses for FY 2013 rather than the amount, if any, remaining after the amount budgeted for quality incentive payments is spent, and provides for the quality bonuses for FY 2013 to be paid in accordance with the bill's provisions instead of the provisions of current law.

Same as the House, but provides that the bill's quality bonuses are in addition to, rather than instead of, the quality bonuses under current law so that nursing facilities may qualify for two quality bonuses for FY 2013.

No provision.

No provision.

Requires ODJFS to pay the quality bonuses that are to be paid in accordance with the bill's provisions not later than July 31, 2012.

No provision.

Reappropriates \$30 million of the unexpended and unencumbered portion of the appropriation item 600525, Health Care/Medicaid, in FY 2012 to FY 2013 to be used by ODJFS to pay for the quality bonuses under the bill for FY 2013.

Same as the House.

Fiscal effect: Increase in Medicaid costs of \$30 million (about \$11 million state share) in FY2013. Potential reduction in Medicaid costs due to the elimination of the reallocation of any unspent quality incentive funds to nursing facilities.

Fiscal effect: Increase in Medicaid costs of \$30 million (about \$11 million state share) in FY2013.

Executive

As Passed by the House

As Reported by Senate Finance

Unemployment Compensation

JFSCD38 Recovery of Fraudulently Procured Unemployment Benefits

No provision.

No provision.

R.C. 4141.35

Permits the ODJFS Director to take action in any court of competent jurisdiction, instead of in Ohio courts as under current law, to collect unemployment benefits that were procured by fraudulent misrepresentation.

No provision.

No provision.

Requires that the six year statute of limitations for filing administrative or legal proceedings to collect benefits procured by fraudulent misrepresentation be extended by the period of any stay to the collection or by any other time period mutually agreed upon by the parties.

No provision.

No provision.

Requires that the three year statute of limitations for recovering benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation be extended by the period of any stay to the collection or by any other time period mutually agreed upon by the parties.

Fiscal effect: Potential increase in administrative costs to ODJFS and potential gain in recovered unemployment benefit revenue.

Executive

As Passed by the House

As Reported by Senate Finance

AGECD5 Aging in Place Pilot Program

Sections: 751.15, 601.40
Amends Section 209.30 of H.B. 153

Sections: 751.15, 601.40
Amends Section 209.30 of H.B. 153

No provision.

Requires ODA to establish the Aging in Place pilot program in Butler, Clermont, Hamilton, and Warren counties. Provides for the pilot program to be operated for two years.

Same as the House.

No provision.

Provides for up to 180 eligible individuals to enroll in the pilot program to receive home repairs and modifications.

Same as the House.

No provision.

Requires ODA to contract with a nonprofit organization that provides professional and critical home repair and modification services and meets other requirements to administer the pilot program.

Same as the House.

No provision.

Requires the pilot program administrator to seek nongovernmental funds to help pay the costs of the pilot program.

Same as the House.

No provision.

Requires ODJFS to seek a federal Medicaid waiver to make the pilot program part of the Medicaid program, but requires ODA to establish it as a non-Medicaid program if the federal waiver is denied.

Same as the House.

No provision.

Earmarks \$1.5 million in line item 490609, Regional Long-Term Care Ombudsman Program, in FY 2013 for costs associated with the Aging in Place Pilot Program.

Same as the House.

Fiscal effect: The bill appropriates and earmarks \$1.5 million for the pilot program.

Fiscal effect: Same as the House.

Executive

As Passed by the House

As Reported by Senate Finance

Early Childhood

EDUCD1 Step Up to Quality Program - Early Childhood Education Programs

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

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

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.

Same as the Executive.

Same as the Executive.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

EDUCD2 Step Up to Quality Program - Special Education

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

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

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.

Same as the Executive.

Same as the Executive.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.