

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 96

Senator Coley

Cosponsors: Senators Huffman, Hite

A BILL

To amend sections 5101.47 and 5101.54 and to enact 1
sections 5162.137 and 5163.04 of the Revised 2
Code regarding eligibility and benefits under 3
the Supplemental Nutrition Assistance program 4
and the Medicaid program. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5101.47 and 5101.54 be amended 6
and sections 5162.137 and 5163.04 of the Revised Code be enacted 7
to read as follows: 8

Sec. 5101.47. (A) Except as provided in divisions (B) and 9
(C) of this section, both of the following apply to the 10
department of job and family services: 11

(1) The department shall accept applications, determine 12
eligibility, redetermine eligibility, and perform related 13
administrative activities for the supplemental nutrition 14
assistance program administered by the department pursuant to 15
section 5101.54 of the Revised Code. 16

(2) The department may accept applications, determine 17
eligibility, redetermine eligibility, and perform related 18

administrative activities for one or more of the following:	19
(1) <u>(a)</u> Publicly funded child care provided under Chapter 5104. of the Revised Code;	20 21
(2) The supplemental nutrition assistance program administered by the department pursuant to section 5101.54 of the Revised Code;	22 23 24
(3) <u>(b)</u> Other programs administered by the department that the director of job and family services determines are supportive of children, adults, or families;	25 26 27
(4) <u>(c)</u> Other programs administered by the department regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities.	28 29 30 31 32
(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services.	33 34 35 36 37
(C) Subject to division (B) of this section, if the department <u>is required or</u> elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:	38 39 40 41 42 43
(1) An individual seeking services under the program may apply for the program to the department or to the entity that state law governing the program authorizes to accept applications for the program.	44 45 46 47

(2) The department is subject to federal statutes and 48
regulations and state statutes and rules that require, permit, 49
or prohibit an action regarding accepting applications, 50
determining or redetermining eligibility, and performing related 51
administrative activities for the program. 52

(D) The director may adopt rules as necessary to implement 53
this section. 54

Sec. 5101.54. (A) The director of job and family services 55
shall administer the supplemental nutrition assistance program 56
in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 57
2011 et seq.). The department of job and family services may: 58

(1) Prepare and submit to the secretary of the United 59
States department of agriculture a plan for the administration 60
of the supplemental nutrition assistance program; 61

(2) Prescribe forms for applications, certificates, 62
reports, records, and accounts of county departments of job and 63
family services, and other matters; 64

(3) Require such reports and information from each county 65
department of job and family services as may be necessary and 66
advisable; 67

(4) Administer and expend any sums appropriated by the 68
general assembly for the purposes of the supplemental nutrition 69
assistance program and all sums paid to the state by the United 70
States as authorized by the Food and Nutrition Act of 2008; 71

(5) Conduct such investigations as are necessary; 72

(6) Enter into interagency agreements and cooperate with 73
investigations conducted by the department of public safety, 74
including providing information for investigative purposes, 75

exchanging property and records, passing through federal 76
financial participation, modifying any agreements with the 77
United States department of agriculture, providing for the 78
supply, security, and accounting of supplemental nutrition 79
assistance program benefits for investigative purposes, and 80
meeting any other requirements necessary for the detection and 81
deterrence of illegal activities in the supplemental nutrition 82
assistance program; 83

(7) Adopt rules in accordance with Chapter 119. of the 84
Revised Code governing employment and training requirements of 85
recipients of supplemental nutrition assistance program 86
benefits, including rules specifying which recipients are 87
subject to the requirements and establishing sanctions for 88
failure to satisfy the requirements. The rules shall be 89
consistent with 7 U.S.C. 2015, including its work and employment 90
and training requirements, and, to the extent practicable, shall 91
provide for the recipients to participate in work activities, 92
developmental activities, and alternative work activities 93
described in sections 5107.40 to 5107.69 of the Revised Code 94
that are comparable to programs authorized by 7 U.S.C. 2015(d) 95
(4). The rules may reference rules adopted under section 5107.05 96
of the Revised Code governing work activities, developmental 97
activities, and alternative work activities described in 98
sections 5107.40 to 5107.69 of the Revised Code. 99

(8) Adopt rules in accordance with section 111.15 of the 100
Revised Code that are consistent with the Food and Nutrition Act 101
of 2008, ~~as amended, and the~~ regulations adopted thereunder, and
this section governing the following: 102
103

(a) Eligibility requirements for the supplemental 104
nutrition assistance program; 105

(b) Sanctions for failure to comply with eligibility requirements;	106 107
(c) Allotment of supplemental nutrition assistance program benefits;	108 109
(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A) (7) of this section receive the benefits after satisfying the requirements;	110 111 112 113 114 115
(e) Administration of the program by county departments of job and family services;	116 117
(f) Other requirements necessary for the efficient administration of the program.	118 119
(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance program in the case of households receiving supplemental nutrition assistance program benefits and participating in Ohio works first.	120 121 122 123 124 125 126 127 128
(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance, shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after	129 130 131 132 133 134

application, if:	135
(1) The results of the application interview indicate that	136
the household will be eligible upon full verification;	137
(2) Information sufficient to confirm the statements in	138
the application has been obtained from at least one additional	139
source, not a member of the applicant's household. Such	140
information shall be recorded in the case file, and shall	141
include:	142
(a) The name of the person who provided the name of the	143
information source;	144
(b) The name and address of the information source;	145
(c) A summary of the information obtained.	146
The period of temporary eligibility shall not exceed one	147
month from the date of certification of temporary eligibility.	148
If eligibility is established by full verification, benefits	149
shall continue without interruption as long as eligibility	150
continues.	151
At the time of application, the county department of job	152
and family services shall provide to a household described in	153
this division a list of community assistance programs that	154
provide emergency food.	155
(C) <u>Before awarding assistance under the supplemental</u>	156
<u>nutrition assistance program, the department shall verify the</u>	157
<u>eligibility of each applicant in accordance with division (F) of</u>	158
<u>this section.</u> All applications shall be approved or denied	159
through full verification within thirty days from receipt of the	160
application by the county department of job and family services.	161
(D) Nothing in this section shall be construed to prohibit	162

the certification of households that qualify under federal 163
regulations to receive supplemental nutrition assistance program 164
benefits without charge under the Food and Nutrition Act of 165
2008. 166

(E) Any person who applies for the supplemental nutrition 167
assistance program shall receive a voter registration 168
application under section 3503.10 of the Revised Code. 169

(F) (1) In order to verify applicant eligibility as 170
required under this section, the department shall verify at 171
least the following information before awarding supplemental 172
nutrition assistance benefits: 173

(a) Earned and unearned income; 174

(b) Employment status and changes in employment; 175

(c) Immigration status; 176

(d) State residency status, including information from a 177
nationwide best-address source; 178

(e) Enrollment status in other state-administered public 179
assistance programs both within and outside this state; 180

(f) Financial resources; 181

(g) Lottery winnings; 182

(h) Incarceration status; 183

(i) Death records; 184

(j) Any available information related to potential 185
identity fraud or identity theft. 186

(2) On at least a quarterly basis, for recipients of 187
benefits under the supplemental nutrition assistance program, 188

the department shall receive and review information identified 189
in division (F) (1) of this section that indicates a change in 190
circumstances that may affect eligibility, to the extent such 191
information is available to the department. 192

(3) As part of the application for public assistance and 193
before awarding benefits under the supplemental nutrition 194
assistance program, the department shall require an applicant, 195
or applicant's parent or caretaker, to complete an identity 196
authentication process to confirm that the applicant, or person 197
on whose behalf the applicant is acting, owns the identity 198
presented in the application. 199

The process shall include a knowledge-based quiz 200
consisting of personal questions and, to the extent possible 201
based on finances and established credit history, financial 202
questions. The quiz must attempt to accommodate nonbanked or 203
underbanked applicants who do not have an established credit 204
history. The quiz shall be available for completion by 205
applicants in-person, over the telephone, and online. 206

(4) (a) The department shall sign a memorandum of 207
understanding with any department, agency, or division as needed 208
to obtain the information identified in division (F) (1) of this 209
section. 210

(b) The department may contract with one or more 211
independent vendors to provide the information identified in 212
division (F) (1) of this section. Any such contract entered into 213
shall establish annualized savings that exceed the contract's 214
total annual cost to the state. 215

(c) Nothing in this section prevents the department or a 216
county department of job and family services from receiving or 217

reviewing additional information related to eligibility not 218
identified in this section or from contracting with one or more 219
independent vendors to provide additional information not 220
identified in this section. 221

(5) The department shall explore joining a multi-state 222
cooperative, such as the national accuracy clearinghouse, to 223
identify individuals enrolled in public assistance programs 224
outside of this state. 225

(G) If the department receives information concerning an 226
individual enrolled in the supplemental nutrition assistance 227
program that indicates a change in circumstances that may affect 228
eligibility, the department shall review the individual's case 229
and take action as follows: 230

(1) If the review does not result in a finding of a 231
discrepancy or change in the applicant's or recipient's 232
circumstances that may affect eligibility, take no further 233
action; 234

(2) If the review results in a finding of a discrepancy or 235
change in the applicant's or recipient's circumstances that may 236
affect eligibility, promptly redetermine eligibility, afford the 237
applicant or recipient an opportunity to respond in accordance 238
with division (H) of this section, and thereafter do one of the 239
following: 240

(a) If the applicant or recipient does not respond to the 241
department's notice, do both of the following: 242

(i) Deny the application or discontinue benefits, as 243
applicable, until the discrepancy has been resolved; 244

(ii) Provide notice to the applicant or recipient that the 245
department intends to deny the application or discontinue 246

benefits, as applicable. 247

(b) If the applicant or recipient responds to the notice 248
and disagrees with the department's findings of a discrepancy or 249
change, the department shall reinvestigate the matter and do one 250
of the following: 251

(i) If the department finds that it made an error, take 252
immediate action to correct it and take no further action to 253
deny or discontinue benefits; 254

(ii) If the department finds that it did not make an 255
error, determine the effect on the applicant's or recipient's 256
case, take appropriate action, and notify the applicant or 257
recipient of the department's findings and action. 258

(c) If the applicant or recipient responds to the notice 259
and agrees with the department's findings, the department shall 260
determine the effect on the applicant's or recipient's case, 261
take appropriate action, and notify the applicant or recipient 262
of the department's action. 263

(H) If in a review conducted under division (G) of this 264
section the department finds a discrepancy or change in an 265
applicant's or recipient's circumstances that may affect 266
eligibility, the department shall provide written notice to the 267
applicant or recipient that describes the circumstances of the 268
discrepancy or change, the manner in which the applicant or 269
recipient may respond, and the consequences of failing to 270
respond. 271

The applicant or recipient shall be allowed ten business 272
days to respond, unless state or federal law requires that 273
additional time be allowed. The applicant's or recipient's 274
response must be in writing. The department shall not accept 275

self-declarations as verification. The department may request 276
additional information after receiving the response if it 277
determines that there is a risk of fraud or misrepresentation or 278
that there is inadequate documentation. 279

The department shall not deny an application or 280
discontinue benefits on finding a discrepancy or change in 281
circumstances until the applicant or recipient has been given 282
notice of the discrepancy or change and an opportunity to 283
respond in accordance with this division. 284

(I) In the case of suspected fraud, the department shall 285
refer the case for investigation to the county prosecutor of the 286
county in which the applicant or recipient resides. 287

(J) Six months after the effective date of this amendment 288
and annually thereafter, the department shall complete a report 289
detailing the impact of the requirements set forth in divisions 290
(F) to (I) of this section. The report shall specify at least 291
the following: 292

(1) The number of cases reviewed; 293

(2) The number of cases closed; 294

(3) The number of fraud investigation referrals to county 295
prosecutors; 296

(4) The amount of savings and cost avoidance resulting 297
from the requirements. 298

The department shall submit a copy of the report to the 299
governor, the attorney general, and in accordance with section 300
101.68 of the Revised Code, the general assembly. 301

(K) The department shall adopt rules in accordance with 302
Chapter 119. of the Revised Code to implement divisions (F) to 303

(J) of this section. 304

Sec. 5162.137. Six months after the effective date of this 305
section and annually thereafter, the department of medicaid 306
shall complete a report that includes all of the information 307
required by division (J) of section 5101.54 of the Revised Code 308
as that information pertains to the medicaid program. The 309
department shall submit a copy of the report to the governor, 310
general assembly, and attorney general. The copy to the general 311
assembly shall be submitted in accordance with section 101.68 of 312
the Revised Code. The report shall not include information that 313
would permit identification of any individual medicaid 314
recipient. 315

Sec. 5163.04. With regard to applications and eligibility 316
determinations for the medicaid program, the department of 317
medicaid shall comply with all requirements of divisions (F) to 318
(I) of section 5101.54 of the Revised Code to the extent those 319
requirements are applicable to the medicaid program. 320

Section 2. That existing sections 5101.47 and 5101.54 of 321
the Revised Code are hereby repealed. 322