

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 240

**Senator Schaffer
Cosponsor: Senator Huffman, S.**

A BILL

To amend sections 5101.84 and 5101.98 and to enact 1
sections 5101.042, 5101.543, 5101.546, 5101.548, 2
5101.95, and 5163.51 of the Revised Code to make 3
various changes to public assistance benefits 4
programs. 5

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

Section 1. That sections 5101.84 and 5101.98 be amended 6
and sections 5101.042, 5101.543, 5101.546, 5101.548, 5101.95, 7
and 5163.51 of the Revised Code be enacted to read as follows: 8

Sec. 5101.042. (A) As used in this section, "public 9
assistance benefits" means all of the following: 10

(1) Supplemental nutrition assistance program benefits; 11

(2) Benefits funded in part by the temporary assistance 12
for needy families block grant; 13

(3) Cash assistance provided through the Ohio works first 14
program; 15

(4) Benefits provided by the medicaid program; 16

(5) Publicly funded child care as defined in section 5104.01 of the Revised Code. 17
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(B) The department of job and family services shall update the systems used by the department and by county departments of job and family services to determine eligibility for public assistance benefits programs. The updates shall include a mechanism by which application information input by individual caseworkers may be tracked and audited and shall require county departments of job and family services to provide caseworker training regarding improper determinations. 19
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Sec. 5101.543. To ensure program integrity within the supplemental nutrition assistance program, the department of job and family services shall periodically monitor the balances of supplemental nutrition assistance program accounts. If the department discovers an account with a balance that exceeds two thousand dollars, the department shall take steps to determine whether the account is inactive and, if inactive, determine whether to move benefits off-line or expunge unused benefits in accordance with 7 C.F.R. 274.2(h) and (i). 27
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Sec. 5101.546. (A) (1) Except as provided in division (A) (2) of this section, the department of job and family services shall not request, apply for, or renew a waiver authorized by section 6(o)(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o)(4). 36
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(2) The department of job and family services may request or apply for a waiver described in division (A) (1) of this section in the event of a state of emergency declared by the governor. 41
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(B) The department of job and family services shall not 45

implement the option available under section 6(o)(6) of the 46
"Food and Nutrition Act of 2008," 7 U.S.C. 2015(o)(6). 47

Sec. 5101.548. The department of job and family services 48
shall implement the option authorized under 7 C.F.R. 273.11(p), 49
under which a noncustodial parent, as a condition of 50
participation in the supplemental nutrition assistance program, 51
must comply with the terms of a court order for the support of a 52
child. 53

Sec. 5101.84. An ~~Except as provided in division (B) of~~ 54
this section, an individual otherwise ineligible for aid under 55
Chapter 5107. or 5108. of the Revised Code or supplemental 56
nutrition assistance program benefits under the Food and 57
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) because of 58
paragraph (a) of 21 U.S.C. 862a is eligible for the aid or 59
benefits if the individual meets all other eligibility 60
requirements for the aid or benefits. 61

(B) An individual described in division (A) of this 62
section is ineligible to participate in the supplemental 63
nutrition assistance program for a period of three years 64
immediately following completion of all obligations imposed by a 65
criminal court related to the individual's felony offense under 66
section 2925.03 of the Revised Code or a similar offense in 67
another jurisdiction, unless the individual agrees to submit to 68
random drug testing for a period of three years as a condition 69
of receiving benefits under the program. 70

As used in this section, "random drug testing" has the 71
same meaning as in section 5120.63 of the Revised Code. 72

Sec. 5101.95. (A) Except as provided in division (B) of 73
this section, not later than thirty days before submitting a 74

waiver or state plan amendment relating to a public assistance 75
benefit program to the appropriate federal entity, the director 76
of job and family services shall submit a copy of the waiver or 77
state plan amendment to the speaker of the house of 78
representatives, the president of the senate, and the 79
chairpersons of the relevant house of representatives and senate 80
committees with jurisdiction over the subject matter of the 81
waiver or state plan amendment. 82

(B) Division (A) of this section does not apply when a 83
waiver or state plan amendment is necessary to address a 84
statewide emergency. 85

Sec. 5101.98. (A) Quarterly, the department of job and 86
family services shall compile a report on public assistance 87
programs in this state, including the following information: 88

(1) Regarding the supplemental nutrition assistance 89
program, the number of: 90

(a) Accounts with high balances, as determined by the 91
department; 92

(b) Out-of-state transactions, including the city and 93
state in which the transaction occurred, and the amount of each 94
out-of-state transaction; 95

(c) Transactions when the final amount processed was a 96
whole dollar amount without additional cents; 97

(d) The number of accounts with a transaction in which the 98
final amount processed was a whole dollar amount without 99
additional cents. 100

(2) Regarding public assistance programs in this state, 101
including medicaid, the supplemental nutrition assistance 102

program, temporary assistance for needy families, or cash	103
assistance, the number of:	104
(a) Payments made in error, and the dollar amount of those	105
payments;	106
(b) Work requirement exemptions issued;	107
(c) Confirmed cases of intentional program violation and	108
fraud.	109
(B) The department shall submit the report to the	110
president of the senate and the speaker of the house of	111
representatives, who shall distribute the report to the chairs	112
of any legislative committee with jurisdiction over public	113
assistance.	114
<u>Sec. 5163.51. (A) Unless required by federal law or</u>	115
<u>regulations, the department of medicaid shall not do any of the</u>	116
<u>following related to administration of the medicaid program and</u>	117
<u>medicaid eligibility:</u>	118
<u>(1) Conduct post-enrollment verification of income or</u>	119
<u>nonincome-related eligibility instead of verifying income and</u>	120
<u>nonincome-related eligibility before enrollment;</u>	121
<u>(2) Designate itself as a qualified health entity for the</u>	122
<u>purpose of making presumptive eligibility determinations or for</u>	123
<u>any purpose not expressly authorized by the Revised Code;</u>	124
<u>(3) Accept self-attestation of income or receipt of other</u>	125
<u>health insurance coverage.</u>	126
<u>(B) Unless prohibited by federal law or regulations, the</u>	127
<u>department of medicaid shall do both of the following related to</u>	128
<u>the administration of the medicaid program and medicaid</u>	129
<u>eligibility:</u>	130

<u>(1) Periodically check any available income-related data</u>	131
<u>sources to verify eligibility;</u>	132
<u>(2) Comply with the public notice requirements related to</u>	133
<u>proposed changes to the medicaid state plan, as required under</u>	134
<u>42 C.F.R. 447.205, 42 C.F.R. 447.57, and 42 C.F.R. 440.386.</u>	135
<u>(C) If federal law or regulations require the department</u>	136
<u>of medicaid to take an action described in division (A) (1), (2),</u>	137
<u>or (3) of this section, the department shall seek a federal</u>	138
<u>waiver, in accordance with section 5162.07 of the Revised Code,</u>	139
<u>from such a requirement.</u>	140
Section 2. That existing sections 5101.84 and 5101.98 of	141
the Revised Code are hereby repealed.	142
Section 3. The enactment of section 5163.51 of the Revised	143
Code by this act takes effect on January 1, 2025. If the section	144
necessitates approval of a Medicaid program state plan amendment	145
or Medicaid program waiver before implementation, section	146
5163.51 of the Revised Code shall not be implemented until the	147
approval of the amendment or waiver or January 1, 2025,	148
whichever is later.	149
Section 4. Not later than thirty days after the effective	150
date of this section, the Department of Job and Family Services	151
shall do both of the following:	152
(A) Rescind any approved waiver authorized pursuant to	153
section 6(o)(4) of the "Food and Nutrition Act of 2008," 7	154
U.S.C. 2015(o)(4), that is in effect on the effective date of	155
this section.	156
(B) Withdraw any request, application, or renewal of a	157
waiver authorized pursuant to section 6(o)(4) of the "Food and	158
Nutrition Act of 2008," 7 U.S.C. 2015(o)(4), that is pending	159

before the United States Department of Agriculture on the
effective date of this section.

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