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**Ohio Speech & Hearing Governmental Affairs Coalition
Legislative Activities Report
September 2019**

The General Assembly has been on recess since the biennial budget bill was signed in mid-July. Since the budget passed after our last GAC meeting, here is a summary of some of the provisions of HB 166, as passed, that are relevant to GAC members:

- The Ohio Hearing Aid Assistance program was funded at \$200,000/year to help cover the cost of hearing aids for children whose families (up to 400% of the poverty level) have commercial insurance that does not cover hearing aids;
- A managed care claims fund was created under Medicaid. The fund is made up of money paid by MCOs to ODM to pay providers if reimbursement is stalled due to MCO systems issues;
- Recoupment of overpayments to Medicaid providers limited to 365 days and MCOs must provide details on the services for which the recoupment is sought;
- \$675M was appropriated to ODE for local districts to provide wrap-around services for children in schools. The funding is focused on improving student wellness and success;
- Competitive grants of up to \$100,000 will be available through the department of public safety for non-profit organizations to make security improvements

Legislators returned to Columbus this week and have resumed committee hearings and session days. Since this is the first year of the two year legislative cycle, there is still plenty of time for legislation to be introduced and passed. In that vein, we've recently learned that the art therapists are attempting their licensure legislation again soon. Senator Andy Brenner (R-Delaware) has circulated a co-sponsor request for that legislation. Senator Kenny Yuko (D-

Euclid) is again interested in introducing music therapy licensure legislation. He is talking with Senator Brenner about combining both licensure provisions into one bill. GAC will have to carefully review both bills to ensure there is no encroachment into the SLP or AuD scopes of practice. We have already reached out to our advocacy partners at the OT and PT associations to discuss working together on opposition to these bills should the need present.

Separately, HB 243 is scheduled for sponsor testimony on September 24th. You will recall that requires commercial insurance plans to cover hearing aids for children. As introduced the bill provided \$1,400/aid every 36 months. However, the sponsors have decided to support a substitute version of the bill that would pay \$2500/aid every 48 months. The sponsors are also considering an increase in the age limit for the coverage. Representatives Russo and Weinstein, sponsors of HB 243, have asked GAC to participate in the proponent hearing on the bill, which could come as early as October 1, 2019.

GAC recently spoke with the OSHPB to again discuss the possibility of pursuing audiology assistant licensure. The Board indicated that, while it was not in favor of a registration model for audiology assistants, it could be supportive of a licensure law revision. That said, the Board indicated that it was instructed by the Administration that now is not the right time legislatively to pursue those changes. The Board remains committed to supporting that change when the time is right.

Outside of the legislature, GAC is awaiting the school related services provider workforce shortage report from ODE. You may recall that GAC advocated for the creation of the workgroup in the FY18-19 biennial budget. The workgroup met for more than a year and was charged to: “(1) Identify and evaluate causes and solutions for the shortage of related services personnel in the school setting, including evaluating the long-term sustainability of potential solutions; (2) Establish short-term, medium-term, and long-term goals to address the shortage of related services personnel in the state and monitor progress on those goals; (3) Report, as needed, on the work and findings of the workgroup.” The workgroup was required to end its work by June 30, 2019. According to sources within ODE, the final report is “on the Superintendent’s desk.” We are also still awaiting the final analysis on the data gathered by Ohio University in contract for the workgroup; the data was supposed to present the full workforce picture of all related services providers in the schools, including SLPs and AuDs. GAC may consider legislative involvement to encourage ODE to release the report and data.

On the administratively rules front, many agencies important to GAC have been busy over the summer with rules promulgation. First, the OSHPB filed new rules dealing with their meetings, administrative processes, duties of the Board, complaint procedures, sunshine laws, and the code of ethics. The reason for the rule filings was to update the Board rules to reflect the combined nature of the new Board. The rules took effect on August 12, 2019.

Ohio Medicaid also filed revisions to its administrative rule regarding eligible providers. The new rule defines which providers can form a group practice and the organizational structures that a group practice must follow. It also outlines the requirements for an NPI number and how it must be used on claims. Finally, the new rule requires providers to submit to ODM a list of the locations where that provider renders services. A public hearing was held on the rule proposal on September 16th. At this stage, ODM can amend the rule or continue through the JCARR process with the proposed language.

Finally, on the administrative rules front, ODH filed revisions to its universal newborn hearing screening rules. The changes take effect on December 1, 2019. The rule package outlines regulations for birthing hospitals, freestanding birthing centers, local health departments, and providers of follow-up hearing evaluations in the Infant Hearing Program, which oversees Ohio's statewide birth to three Early Hearing Detection & Intervention Program administered by the Department of Health. The newly revised rules include:

- Rule 3701-40-01 (Definitions) provides definitions for any and all language used in the rule package with specific programmatic meaning;
- Rule 3701-40-02 (Hearing screening requirements for freestanding birthing centers) outlines requirements for freestanding birthing facilities only to ensure compliance to universal newborn hearing screening requirements;
- Rules 3701-40-03 (Notification Requirement) outlines the identification of a hearing screening coordinator at each location and reduces the reporting burden placed on boards of health;
- Rule 3701-40-04 (Objections to Hearing Screening) was amended to mirror language within the Ohio Revised Code;
- Rule 3701-40-05 (Qualifications of personnel conducting hearing screenings) clarifies requirements for training, completion of training prior to screening, and documentation of annual training;
- Rule 3701-40-06 (Hearing screening and equipment requirements for hospitals) outlines requirements for birthing hospitals only to ensure compliance to universal newborn hearing screening requirements;
- Rule 3701-40-07 (Reimbursement for hearing screening) was not revised;
- Rule 3701-40-08 (Diagnostic hearing evaluations) recommends protocols for diagnostic hearing evaluations of referred infants following non-pass screening results, clarifies reporting of diagnostic evaluation results to parents and to Ohio Department of Health;
- Rule 3701-40-09 (Hearing screening tracking and follow-up) removed reference to the regional infant hearing program; and
- Rule 3701-40-10 (Ohio department of health training and materials) requires the Department to also provide training regarding the joint infant hearing committee and expands entities who may receive educational materials.

The Ohio House recently seated several new members. First, in the 76th House District, Republicans seated Diane Grendell to replace Sarah LaTourette. Grendell previously served in the House from 1992-2000. She also served at the 11th District Court of Appeals judge for 16 years. House Republicans also selected Jeffrey LaRe (R-Violet Twp.) to represent the 77th House District. Representative LaRe will replace Senator Tim Schaffer who was selected to serve in the Ohio Senate earlier this month. Representative LaRe serves as the Executive Vice President of The Whitestone Group, where he has worked since 2000. Lastly, House Democrats selected State Rep. Gil Blair (D-Weathersfield) to fill the 63rd House district seat previously held by Glenn Holmes (D-Girard). Blair operates a private law practice and earned his BA and JD from the University of Akron.

State tax receipts were up nearly \$30 million in July compared with July 2018, while total spending of nearly \$3.5 billion was down more than \$400 million compared to a year before. On the revenue side, total receipts in the General Revenue Fund were \$2.96 billion, up \$249.9 million, or 9.2%, from the previous July, according to the Office of Budget and Management's Monthly Financial Report. Most of that was due to federal grants, which were up \$300.4 million, or 31.5%, above the previous July, driven by the use of non-GRF funds in Medicaid. On the spending side, expenditures were \$329.8 million, or 10.4%, above their total for the previous July. Medicaid spending totaled \$1.93 billion from the GRF and \$2.25 billion across all funds. Medicaid enrollment in July was up slightly compared to estimates and down 3.2% from enrollment for the same month a year ago.

The Department of Job and Family Services reported that Ohio's unemployment rate remained at 4% in July as the state added 4,500 jobs. The total number of unemployed workers rose by 2,000 to 235,000, according to the report. That number is down 28,000 since July 2018, when the unemployment rate was 4.6%. Nationwide, the unemployment rate was steady at 3.7% for the month, according to the U.S. Bureau of Labor Statistics. Job growth in Ohio was led by gains of 2,000 in government employment, with local government adding 2,000 jobs.

Below is a list of legislation we are currently tracking for you during the 133rd Ohio General Assembly:

HB115 **REGULATOR RESTRICTION REDUCTION (RIEDEL C, ROEMER B)** To require certain agencies to reduce the number of regulator restrictions and to amend the versions of sections 106.021 and 106.03 of the Revised Code that are scheduled to take effect August 18, 2019, to continue the provision of this act on and after that effective date.

Current Status: 4/10/2019 - House State and Local Government, (Second Hearing)

HB129 **MOTORCYCLE-HEARING PROTECTION** (MCCLAIN R) To permit a person to wear earphones or earplugs for hearing protection while operating a motorcycle.

Current Status: 9/11/2019 - Referred to Committee Senate Transportation, Commerce and Workforce

HB133 **MILITARY-TEMPORARY LICENSURE** (PERALES R, WEINSTEIN C) To require state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved to Ohio for military duty.

Current Status: 9/11/2019 - Referred to Committee Senate Transportation, Commerce and Workforce

HB166 **OPERATING BUDGET** (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of state programs.

Current Status: 7/18/2019 - **SIGNED BY GOVERNOR**; Eff. Immediately

HB243 **HEARING AIDS COVERAGE** (WEINSTEIN C, RUSSO A) To require health plan issuers to cover hearing aids and related services for persons under twenty-two years of age.

Current Status: 5/21/2019 - Referred to Committee House Health

HB263 **OCCUPATIONAL LICENSING-CRIMINAL CONVICTIONS** (KOEHLER K) To revise the initial occupational licensing restrictions applicable to individuals convicted of criminal offenses.

Current Status: 6/12/2019 - House Commerce and Labor, (First Hearing)

HB290 **SEXUAL MISCONDUCT-HEALTH CARE PROFESSIONALS** (BOGGS K, CRAWLEY E) To prohibit unlawful sexual contact between health care professionals and patients and to revoke professional licenses for criminal misconduct.

Current Status: 6/25/2019 - Referred to Committee House Criminal Justice

- HB292** **UNIVERSAL HEALTH CARE COVERAGE** (SKINDELL M, KENT B) To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.
Current Status: 9/10/2019 - House Health, (First Hearing)
- HB305** **SCHOOL FINANCING** (CUPP B, PATTERSON J) To create a new school financing system, and to make an appropriation.
Current Status: 6/30/2019 - Referred to Committee House Finance
- SB1** **REDUCE REGULATORY RESTRICTIONS** (MCCOLLEY R, ROEGNER K) To require certain agencies to reduce the number of regulatory restrictions and to continue the provision of this act on and after August 18, 2019.
Current Status: 6/12/2019 - House State and Local Government, (First Hearing)
- SB7** **TEMP STATE OCCUPATIONAL LICENSES-MILITARY** (LEHNER P, HACKETT R) Regarding temporary state occupational licenses for members of the military and their spouses.
Current Status: 5/22/2019 - House Armed Services and Veterans Affairs, (First Hearing)
- SB25** **MEDICAID WORK, EDUCATION REQUIREMENTS** (HUFFMAN M) Regarding work and education requirements for the Medicaid program.
Current Status: 3/20/2019 - Senate Health, Human Services and Medicaid, (Second Hearing)
- SB29** **MEDICAID COPAYMENTS** (DOLAN M) Regarding Medicaid copayment requirements.
Current Status: 2/19/2019 - Senate Health, Human Services and Medicaid, (Second Hearing)
- SB60** **ESTABLISH WAIVER-MEDICAID EXPANSION** (BURKE D) To establish a waiver component for the Medicaid expansion eligibility group and to abolish the Healthy Ohio Program.
Current Status: 3/6/2019 - Referred to Committee Senate Finance

SB166 **UNLAWFUL SEXUAL CONTACT-HEALTH PROFESSIONALS** (KUNZE S, CRAIG H) To prohibit unlawful sexual contact between health care professionals and patients and to revoke professional licenses for criminal misconduct.

Current Status: 9/11/2019 - Referred to Committee Senate Judiciary

SB171 **17-DAY INTERIM BUDGET** (DOLAN M, O'BRIEN S) To enact a 17-day interim budget.

Current Status: 6/30/2019 - **SIGNED BY GOVERNOR;** Effective Immediately

SB172 **30 DAY BWC BUDGET** (DOLAN M, O'BRIEN S) To make operating appropriations for the Bureau of Workers' Compensation for the period beginning July 1, 2019 and ending July 31, 2019.

Current Status: 6/30/2019 - **SIGNED BY GOVERNOR;** Effective Immediately