



**Ohio Speech and Hearing Governmental Affairs Coalition
Legislative Activities Report
May 2020**

On May 19th, Governor DeWine announced the "Ohioans Protecting Ohioans Urgent Health Advisory" which replaces the Stay Safe Ohio order that was issued by the Ohio Department of Health on April 30, 2020. The order does not change the mass gathering restrictions, which remain at a 10-person limit. The new health advisory also lifts overall travel restrictions and the requirement to quarantine if someone travels to or returns to Ohio. Unnecessary travel within or outside of Ohio is not encouraged. In addition, those who have tested positive for COVID-19 and have not recovered, those who are presumptively diagnosed with COVID-19, and those who are exhibiting the symptoms identified in the screening guidance available from the CDC and the Ohio Department of Health, remain prohibited from entering the state of Ohio unless they are doing so under medical orders for purposes of medical care, are being transported by emergency medical services EMS, are driving or being driven directly to a medical provider for the purposes of initial care, or are a permanent resident of Ohio.

On May 5th, Governor DeWine announced \$775 million in budget cuts to balance out the current biennium over the next two months. Preliminary April 2020 revenue data shows that total General Revenue Fund tax receipts finished the month \$866.5 million (-35.3%) below estimate. Total fiscal-year-to-date tax receipts through April are below estimate by \$777.0 million (-4.0%) and are \$540.9 million (-2.8%) below total tax receipts through the same period last fiscal year. The Office of Budget and Management estimates that revenue will be below estimates for the remainder of the fiscal year through June 30, 2020.

Governor DeWine does not want to draw down the budget stabilization fund (BSF=rainy day fund) to make up the budget deficits for this fiscal year. It is anticipated that the BSF will have to be utilized to balance the budget in FY 2021 and going forward. The \$776.9 B will be funded by budget reductions, as follows:

- \$210 million in Medicaid;
- \$300 million in K-12;

- \$55 million in other education;
- \$110 million in higher education; and
- \$100 million from various other state agencies and programs.

For the final \$100 million cut, each agency was subject to reductions, including the Governor's own office budget. Detailed information from the Office of Budget and Management shows that ODMHAS took an \$8.28M hit. It is still unclear how each agency plans to implement its cuts.

In order to help with the deficit going forward, the Governor announced that the state hiring freeze continues as does the state promotion/salary freeze. Further, travel is not allowed, unless directly related to the pandemic response or direct services. Finally, each agency is prohibited from entering into new contracts outside of non-essential, non-COVID related purchases.

Lawmakers returned to the Statehouse during the first week in May to address pending legislation and consider new initiatives introduced in response to the COVID-19 outbreak. Safety protocols were in effect, meaning public access to committee hearings and session will be significantly limited. Speaker Householder has indicated that he still intends to adhere to the session schedule laid out last fall, which would have the House concluding their work in mid-June to recess until the November election. Senate President Larry Obhof said his first four priorities are to assist local governments with funding provided by the federal government, address the near-bankrupt unemployment compensation system, make it easier for pharmacists to adjust patient medication, and limit liability for businesses during the COVID-19 pandemic.

On May 6th, the House, largely along party lines, amended and passed a regulatory reform bill (SB 1) that would limit health department orders to 14 days. Under the amended SB 1, an order could only be extended if it receives approval from the Joint Committee on Agency Rule Review (JCARR). If JCARR were not to take any action, the health order would be immediately rescinded. The SB 1 amendment also provides that any Ohioan has standing to seek a court order requiring the Governor or state health director to comply with the JCARR oversight requirement without having to prove they will be "irreparably harmed" if the court does not intervene. The amendment also includes language providing that any public health order issued on or after April 29th, 2020 would cease to be effective 14 days after the bill's effective date.

The House also added a pandemic-related floor amendment to SB 55, legislation originally focused on enhancing penalties for individuals committing drug trafficking offenses near an addiction services provider. That amendment removed criminal penalties for violating pandemic-related public health orders. The current penalty for violating such an order is a second-degree misdemeanor punishable by a fine of up to \$750 and/or 90 days in jail. Under the amendment, a violation of the state's order could only result in a warning on the first offense,

and a minor misdemeanor with a maximum \$150 fine for each subsequent offense. The Senate must still vote to concur with the amendments before the bills go to Governor DeWine for his signature. Governor DeWine has already noted that he will veto SB 1 if it gets to his desk.

SB 308 was recently introduced by Senator Matt Huffman. A similar bill was introduced in the House, HB 606, sponsored by Representative Diane Grendell. The goal of both bills is to provide immunity for both healthcare facilities and general businesses for cases where they are accused of liability for transmission or exposure to COVID-19. Both bills were revised on March 20th in committee. The first part of both bills deal with immunity in the healthcare context. They add new provider types to the current healthcare immunity during an emergency statute (which was passed last year). The bills create a “reckless, intentional, willful and wanton” threshold for inapplicability for immunity for liability purposes. In the current statute, the act that causes injury must be the result of the emergency; the new language says that the act that causes the injury simply happens during the emergency.

The second part of both bills deal with general business immunity. It also has the language that requires the act that causes the injury to occur during the disaster for immunity to apply; however, the general business context also extends immunity for general businesses for a certain amount of time after the emergency ends. The bill is not limited to this pandemic, but would apply to any future emergencies, as well. The business section has the same standards for liability.

GAC has been working to ensure that speech and hearing agencies and providers are covered by the immunity. HB 606 added SLPs and audiologists at GAC’s request. SB 308 added SLPs at GAC’s request, but audiologists were inadvertently left out. The Senate has confirmed that audiologists will be included in next week’s sub-bill.

HB 656 was introduced on May 19, 2020. The bill sponsored by Rep. Galonski (D-Akron) would require commercial insurers and Medicaid to pay for hearing aids. The bill differs from previously introduced HB 143 in many ways. HB 656 would require health plans to cover hearing aids up to \$1400/aid. It would allow the aids to be replaced every 36 months. It would cover children up to age 22. The bill also contains language to require Medicaid to cover hearing aids; however, Ohio Medicaid already covers hearing aids for adults and children.

ODM has begun looking at plans for telehealth continuation when their emergency rules expire. Those rules took effect on March 20th and expire when the state of emergency ends. ODM is considering the successful use of telehealth thus far and whether/how it should continue. It is possible that the agency could amend the modalities by which telehealth is permitted, the

services for which telehealth is permitted and the reimbursement for telehealth services. They will likely also look at the site location rules.

According to the Department of Job and Family Services, slightly more than 61,000 Ohioans filed initial claims for unemployment compensation the week ending May 1st, a drop off of about 32,000 compared to the previous week. ODJFS reported the total for the past seven weeks, 1,118,569, is just over the 1,117,457 combined total for the previous three years. The department said it has sent more than \$1.9 billion in unemployment compensation payments to more than 536,000 Ohioans over the seven-week period. The U.S. Department of Labor reported about 3.2 million initial claims were received last week nationwide, down 677,000 compared with the previous week's revised total.

We are monitoring the following legislations on your behalf in the 133rd 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: 2/21/2020 - **SIGNED BY GOVERNOR**

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: 10/2/2019 - Senate Transportation, Commerce and Workforce, (First Hearing)

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

HB197 OMNIBUS MEASURES ON CORONAVIRUS (POWELL J, MERRIN D) To continue essential operations of state government and maintain the continuity of the state tax code in response to the declared pandemic and global health emergency related to COVID-19, to make appropriations, and to declare an emergency.

Current Status: 3/27/2020 - **SIGNED BY GOVERNOR**; eff. 3/27/20

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: 2/4/2020 - House Health, (Second Hearing)

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

Current Status: 2/5/2020 - **REPORTED OUT AS AMENDED**, House Commerce and Labor, (Fifth 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:* 11/20/2019 - House Finance, (Sixth Hearing)
- HB432 OCCUPATIONAL LICENSE RECIPROCITY (POWELL J, LANG G)** To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances.
- Current Status:* 1/29/2020 - House State and Local Government, (Second Hearing)
- HB436 DYSLEXIA SCREENINGS FOR CHILDREN (BALDRIDGE B)** With regard to screening and intervention for children with dyslexia.
- Current Status:* 2/4/2020 - House Health, (Second Hearing)
- HB452 OCCUPATIONAL REGULATIONS (WILKIN S, STEPHENS J)** To revise and streamline the state's occupational regulations.
- Current Status:* 1/28/2020 - Referred to Committee House State and Local Government
- HB573 COVID-19 - OCCUPATIONAL DISEASE (SOBECKI L, BOGGS K)** To make COVID-19 an occupational disease under the Workers' Compensation Law under certain circumstances and to declare an emergency.
- Current Status:* 5/12/2020 - House Insurance, (First Hearing)
- HB574 TRANSFER FUNDS - UNEMPLOYMENT COMPENSATION FUND (MILLER J)** To transfer moneys to the Unemployment Compensation Special Administration Fund, to make an appropriation, and to declare an emergency.
- Current Status:* 5/19/2020 - House Insurance, (First Hearing)

HB580 **REQUIRE INSURERS COVER TELEMEDICINE** (LISTON B, PATTON T) To require health plan issuers to cover telemedicine services during a state of emergency, and to declare an emergency.

Current Status: 5/5/2020 - Referred to Committee House Insurance

HB581 **ADDRESS COVID-19 CONCERNS** (CALLENDER J) To address immediate concerns related to COVID-19.

Current Status: 5/5/2020 - Referred to Committee House Health

HB606 **CIVIL IMMUNITY - COVID-19 TRANSMISSION** (GRENDALL D) To grant civil immunity to a person who provides services for essential businesses and operations for injury, death, or loss that was caused by the transmission of COVID-19 during the period of emergency declared by Executive Order 2020-01D, issued on March 9, 2020, and to declare an emergency.

Current Status: 5/20/2020 - House Civil Justice, (Fourth Hearing)

HB617 **LEGISLATIVE APPROVAL PROCEDURES - SHUTDOWN ORDERS** (JORDAN K) To establish certain time frames and legislative approval procedures as conditions governing the authority of the Department of Health to issue statewide shelter-in-place or stay-at-home orders for preventing the spread of contagious or infectious diseases, to invalidate existing statewide shelter-in-place or stay-at-home orders issued by the Department, and to declare an emergency.

Current Status: 5/12/2020 - Referred to Committee House State and Local Government

HB618 **NOW ACT** (BECKER J) To limit the authority of the Governor and the Department of Health to issue orders regarding contagious or infectious diseases, to prohibit any order from affecting the conduct of an election, to designate its provisions as the "Need Ohio Working (NOW) Act," and to declare an emergency.

Current Status: 5/12/2020 - Referred to Committee House State and Local Government

- HB619** **ODH PUBLISH INFECTIOUS DISEASE INFORMATION** (JORDAN K, HILLYER B) To require the Department of Health to compile and publish certain information on its web site during a state of emergency relating to infectious disease.
- Current Status:* 5/12/2020 - Referred to Committee House Health
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- HB620** **HEALTH IMPACT STATEMENTS, INTERAGENCY TEAM** (CRAWLEY E) To require the Legislative Service Commission to create health impact statements for introduced bills and to create the Health and Equity Interagency Team.
- Current Status:* 5/12/2020 - Referred to Committee House Health
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- HB624** **COVID-19 TESTING INFORMATION RELEASE** (GRENDLELL D) To require the reporting and release of certain COVID-19 testing and related information and to declare an emergency
- Current Status:* 5/19/2020 - Referred to Committee House State and Local Government
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- HB633** **COVID-19 - OCCUPATIONAL DISEASE** (BOGGS K) To make COVID-19 contracted by specified types of employees an occupational disease under the Workers' Compensation Law under certain circumstances and to declare an emergency.
- Current Status:* 5/19/2020 - Referred to Committee House Insurance
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- HB649** **ODH - TESTING** (STOLTZFUS R, HOOD R) Regarding the authority of the Department of Health and local boards of health to make certain orders and regarding the testing of individuals for certain communicable diseases.
- Current Status:* 5/19/2020 - Introduced
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- SB1** **REDUCE REGULATORY RESTRICTIONS** (MCCOLLEY R) 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: 5/20/2020 - Consideration of House Amendments; Vote 0-32, Senate Does Not Concur

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: 1/27/2020 - **SIGNED BY GOVERNOR**; eff. 90 days

SB14 **DRUG PRICE INFORMATION DISCLOSURE** (MAHARATH T) Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information.

Current Status: 4/3/2019 - Senate Insurance and Financial Institutions, (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: 10/2/2019 - Senate Judiciary, (First Hearing)

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

SB238 **LICENSE ART THERAPISTS** (YUKO K, BRENNER A) To license and regulate art therapists and music therapists.

Current Status: 1/29/2020 - Senate Transportation, Commerce and Workforce, (First Hearing)

SB246 **OCCUPATIONAL LICENSING** (ROEGNER K, MCCOLLEY R) To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances.

Current Status: 2/19/2020 - Senate General Government and Agency Review, (Fifth Hearing)

SB294 **ABSENTEE VOTING** (HUFFMAN M) To extend absent voting by mail for the March 17, 2020, primary election to April 28, 2020, to make an appropriation, and to declare an emergency.

Current Status: 5/6/2020 - Referred to Committee Senate Government Oversight and Reform

SB305 **TELEMEDICINE DURING EMERGENCY (CRAIG H)** To require health plan issuers to cover telemedicine services during a state of emergency and to declare an emergency.

Current Status: 5/6/2020 - Referred to Committee Senate Insurance and Financial Institutions

SB308 **CIVIL LIABILITY-EMERGENCY SERVICES (HUFFMAN M)** To revise the law governing immunity from civil liability and professional discipline for health care providers during disasters or emergencies, to provide qualified civil immunity to service providers providing services during and after a government-declared disaster, and to declare an emergency.

Current Status: 5/20/2020 - **SUBSTITUTE BILL ACCEPTED**, Senate Judiciary, (Third Hearing)

SB311 **RESCIND DIRECTOR OF HEALTH ORDERS (MCCOLLEY R, ROEGNER K)** To rescind certain orders of the Director of Health regarding COVID-19, to require the approval of the Joint Committee on Agency Rule Review for Department of Health orders to be effective for more than fourteen days, to require statewide Department of Health orders to include the Governor's signature, to modify the Department's rulemaking authority, to allow in-person high school graduation ceremonies, and to declare an emergency.

Current Status: 5/20/2020 - Senate Health, Human Services and Medicaid, (First Hearing)

SB314 **BUSINESS RELOCATIONS (BRENNER A)** To prohibit state agencies from charging a fee to professional license holders in relation to a business relocation during the COVID-19 declared state of emergency and to declare an emergency.

Current Status: 5/19/2020 - Introduced

SCR13 **PROHIBIT GOVERNMENT-EXCEED AUTHORITY (JOHNSON T)** To resolve that no branch of government, be it executive, legislative, or judicial, nor any subordinate department, agency, or entity thereof, may take or otherwise promulgate actions that exceed its authority to do so as expressly granted under the Ohio Constitution or United States Constitution.

Current Status: 5/15/2020 - Introduced