



## **Ohio Speech & Hearing Legislative Activities Report September 2020**

On the federal level, HHS again announced new timelines for application and distribution of the federal CARES Act Provider Relief Fund. It extended the application deadline for the Medicaid portal until September 13, 2020. Providers that did not submit comprehensive cost information, including their Medicaid, commercial insurance, and other patient care revenue with CMS through the designated portal to receive the balance of their 2 percent payment of General Distribution funds were able to do so until that date. Many providers have already received their allocation; if you have applied and have not yet received funding, it is important to follow up with HHS.

Ohio has recently passed funding from the federal CARES act through to local governments. Those efforts included legislation that appropriated \$350 million, and a Controlling Board approval that added another \$175 million. There is another \$650 million pass through pending in legislation that has passed the Senate but is awaiting action in the House. Non-profit organizations may seek to partner with local governments for allocation of that funding.

On the administrative rules front, Ohio Medicaid recently released its proposed “permanent” telehealth rules. The rules largely mirror the emergency rules that have been in place since March of this year. Some details of the proposed rule include:

- Adds audiologists with their conditional license to the list of eligible telehealth providers
- Asynchronous delivery is allowed via telephone, remote patient monitoring, or through secure patient portal/email. Texting is not included
- Removes fax as a communication medium
- Removes patient and practitioner location restrictions
- Maintains telephone only service codes 99441 and 99442 but removes 99443
- Requires patients to be seen in person at least annually by either the telehealth provider or the provider usually responsible for delivering clinical care, other than an ER provider
- Preserves ability for all telehealth providers to bill consultation E&M codes

- Removes provision from the emergency rule allowing a practitioner site to bill an originating fee through telehealth
- Adds requirements regarding claims submission, clarifying providers must follow ODM billing guidelines when submitting telehealth claims

The rule is up for public hearing on October 1st and will take effect on November 15, 2020. Questions about the rule can be sent to [rules@medicaid.ohio.gov](mailto:rules@medicaid.ohio.gov) GAC may want to consider submitting comments in support of the rule.

Separately, GAC continues to closely follow ODE's process on revisions to the Operating Standards, OAC 3301-51-01 through 3301-51-21. The public comment period on the rule ended July 31, 2020; GAC and several of its members commented on the rules. According to ODE, the public comments have been reviewed by the leads for each rule, members of the Office for Exceptional Children (OEC) leadership team and OEC's legal counsel. The rules now are being reviewed by ODE's Center for Student Supports leadership and the department's chief legal counsel for OEC. The rules will then be moved to the State School Board for consideration in late fall 2020/early winter 2021.

ODE has indicated that it received the majority of comments in four different areas:

- Removal of the section that requires parental consent for changing a student's placement; to date 747 comments have come in on this, mostly from parents and parent advocacy groups;
- Extending the age of DD to match federal language from ages 3-9;
- Preference of previous version of "Whose IDEA is This?"
- Redevelop/update workload calculator for related service providers

GAC's comments focused on the fourth issue, as we felt the rule draft made compliance with the workload calculator less mandatory and less clear.

On the legislative front, HB 606, a proposal granting broad civil immunity during the COVID-19 pandemic, is headed to the Governor's desk after earning final passage in the Senate on September 2<sup>nd</sup>. The upper chamber voted 22-8 along party lines for the conference committee report on the bill a day after the House did the same (62-30). Prior to passing both chambers, HB 606 cleared the conference committee on a party-line vote, with Rep. Richard Brown (D-Canal Winchester) and Sen. Cecil Thomas (D-Cincinnati) forming the opposition. The passage comes after months of debate over the summer. In conference committee, the bill's expiration date was extended from Dec. 31, 2020 to Sept. 30, 2021. An emergency clause was also removed. Once signed, HB 606 will provide GAC member employers with immunity from liability for transmission of COVID-19; the immunity also extends to staff, board members and volunteers.

GAC continues to work on revisions to HB 436. Advocates for the bill are working on a variety of drafting changes, including a provision that would add an SLP to the ODE advisory group. This is being done in response to GAC's request and advocacy with the bill sponsor, Rep. Brian Baldrige. The bill is pending in the Senate, and we are hopeful that it might get through the process and to the Governor's desk during lame duck session.

Separately, ASHA has asked GAC for recommendations for legislators to invite to participate in its education sessions this fall on the Audiology/Speech-Language Pathology Interstate Compact (ASLP-IC). GAC recommended three senators: Senators Blessing, Roegner and Gavarone. Senators Blessing and Roegner are co-sponsors of SB 272, which allows Ohio to adopt a physical therapy compact. Senator Gavarone is the sponsor of SB 258, which adopts the psychology compact. Given that these members understand the nature of interstate compacts, it follows that they might be interested in sponsoring the ASLP-IC.

In the House, Speaker Cupp has not yet announced his leadership team. It appears he is trying to build a coalition team that could build support from the more conservative members of the caucus. Most of Speaker Householder's leadership team has not volunteered to step down, leaving Speaker Cupp with an interesting choice.

Ohioans filed 18,719 initial applications for unemployment compensation last week, according to the Department of Job and Family Services. The total represented a slight decline from the prior week when residents filed 18,988 new jobless claims. ODJFS reported Ohioans filed 339,957 continued claims last week, down 436,345 from the state's peak earlier this year. The agency said it has sent more than \$6.2 billion in unemployment compensation payments to more than 795,000 Ohioans over the last 24 weeks. The U.S. Department of Labor reported 881,000 new jobless applications were filed nationwide last week, down from 1.01 million the previous week.

We are monitoring the following legislation for you:

**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:* 9/2/2020 - Senate Transportation, Commerce and Workforce, (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:* 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:* 6/30/2020 - Referred to Committee Senate Education

**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:* 9/3/2020 - Sent to Governor for Signature

**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:* 6/9/2020 - House State and Local Government, (First Hearing)

**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

**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

**HB624**     **COVID-19 TESTING INFORMATION RELEASE (GRENDALL D)** To require the reporting and release of certain COVID-19 testing and related information and to declare an emergency

*Current Status:* 6/30/2020 - Referred to Committee Senate Government Oversight and Reform

**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

**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:* 6/9/2020 - House State and Local Government, (First Hearing)

**HB656**     **HEARING AID COVERAGE** (GALONSKI T) To require health plan issuers to cover hearing aids and related services for persons under twenty-two years of age and to require the Medicaid program to cover hearing aids.

*Current Status:* 5/19/2020 - Introduced

**HB671**     **PUBLIC HEALTH ORDER LIMITS** (ABRAMS C, STEPHENS J) To establish limits on certain public health orders issued by boards of health and the Department of Health, to prohibit a licensing authority from taking disciplinary action against a licensee for engaging in permitted activities during a pandemic, and to declare an emergency.

*Current Status:* 6/9/2020 - House State and Local Government, (Fourth Hearing)

**HB672**     **WORKER PROTECTION ACT** (LELAND D, SOBECKI L) To enact the "Worker Protection Act" to require the Director of Job and Family Services to consider certain factors related to COVID-19 when determining, for purposes of unemployment benefit eligibility, whether an individual had just cause to quit work or refuse employment and to declare an emergency.

*Current Status:* 5/27/2020 - Referred to Committee House Insurance

**HB673**     **BUSINESS OPERATION, EDUCATION COMPLETION** (ROEMER B) Regarding the operation of businesses, practice of certain professions, and completion of education as it relates to COVID-19 and to declare an emergency.



*Current Status:* 6/24/2020 - Referred to Committee Senate General Government and Agency Review

**HB676**      **GOVERNMENT ACCOUNTABILITY APPEAL BOARDS** (JORDAN K) To create twelve regional State and Local Government Accountability Appeal Boards and to declare an emergency.

*Current Status:* 6/3/2020 - House State and Local Government, (Third Hearing)

**HB679**      **TELEHEALTH SERVICE REQUIREMENTS** (FRAIZER M, HOLMES A) To establish and modify requirements regarding the provision of telehealth services and to declare an emergency.

*Current Status:* 6/10/2020 - **PASSED BY HOUSE**; Amended on Floor, Bill Vote 91-3

**HB691**      **MEDICAID MANAGED CARE - PROMPT PAY** (MANCHESTER S, PLUMMER P) To amend the prompt pay requirements for providers and third-party payers and to include Medicaid managed care organizations.

*Current Status:* 6/9/2020 - Referred to Committee House Insurance

**HB737**      **MODIFY CAMPAIGN FINANCE LAW** (MANNING G, MIRANDA J) To modify the Campaign Finance Law regarding independent expenditures and political action committees.

*Current Status:* 8/31/2020 - Referred to Committee House State and Local Government

**HB739**      **ANTI-CORRUPTION ACT** (SWEENEY B, RUSSO A) To modify the campaign finance law, to name this act the Ohio Anti-Corruption Act, and to amend the versions of sections of the Revised Code that are scheduled to take effect January 1, 2021, to continue the provisions of this act on and after that effective date.

*Current Status:* 8/31/2020 - Referred to Committee House State and Local Government

**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:* 6/4/2020 - House Appoints Managers; S. Wiggam, B. Seitz & B. Kelly Named as House Conferees

**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:* 7/21/2020 - Senate General Government and Agency Review, (Sixth 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:* 5/27/2020 - Senate Insurance and Financial Institutions, (First Hearing)

**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:* 6/10/2020 - Referred to Committee House Civil Justice

**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:* 9/1/2020 - **SUBSTITUTE BILL ACCEPTED & REPORTED OUT**, Senate Health, Human Services and Medicaid, (Fifth 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:* 5/20/2020 - Referred to Committee Senate General Government and Agency Review

**SB347**      **CAMPAIGN FINANCE LAW (MANNING N)** To modify the Campaign Finance Law regarding independent expenditures and political action committees.

*Current Status:* 9/1/2020 - Referred to Committee Senate Government Oversight and Reform

**SB348**      **LOCAL BOARDS OF HEALTH (SCHAFFER T, ROEGNER K)** To prohibit local boards of health from using certain threatening words in notifications to the public, to allow local boards of health to reject Department of Health orders during an emergency, to allow health care professionals who serve on a board of health to receive continuing education credit, and to change the makeup of local boards of health.

*Current Status:* 9/1/2020 - Referred to Committee Senate Health, Human Services and Medicaid

**SB349**      **CAMPAIGN FINANCE LAW (FEDOR T)** To modify the campaign finance law, to name this act the Ohio Anti-Corruption Act.

*Current Status:* 9/1/2020 - Referred to Committee Senate Government Oversight and Reform

**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:* 6/10/2020 - Referred to Committee House State and Local Government

**SCR17**      **URGE CONGRESS-DISCLOSE POLITICAL DONORS (FEDOR T)** To urge Congress to pass legislation requiring corporations and labor organizations that make political expenditures to disclose the identities of their donors.

*Current Status:* 9/1/2020 - Referred to Committee Senate Government Oversight and Reform