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**Ohio Speech and Hearing Governmental Affairs Coalition
Legislative Activities Report
September 2018**

Lawmakers have been on recess since July opting to spend time back in their districts campaigning for the November election. The Ohio House recently announced it will be canceling its two potential session dates – September 19th and 20th. The chamber’s next scheduled session is November 14th. The Senate on the other hand will likely meet on either September 25th or September 26th. Both chambers come back in full swing for lame duck session on November 13th.

Senator Joe Uecker, sponsor of a measure (SB 221) to expand the authority of the Joint Committee on Agency Rule Review (JCARR), is urging his colleagues to override the governor’s veto of the bill. Since the Senate canceled an “if-needed” session day on August 22nd, the earliest an override could occur is in September. Leaders in the Senate have said they’re confident they can muster the three-fifths support needed for an override, while House leaders say they’ll wait to see how the Senate proceeds. Since the measure originated in the Senate, the upper chamber would have the first crack at overriding the governor’s decision. SB221 passed both chambers with a veto-proof majority – 73-19 in the House and 23-6 in the Senate. Veto overrides rarely occur; however, the 132nd General Assembly has broken tradition. The chambers overrode six of Governor Kasich’s 47 budget vetoes last year, and several others are still pending.

Prior to recess, GAC was engaged on HB 557, a bill that would license art therapists in Ohio. In that testimony, GAC explained that it opposes HB 557 because of the overly broad definition of “art therapy” in the bill. As outlined in lines 1975 – 1979 of the bill, “art therapy includes therapeutic intervention to facilitate alternative modes of receptive and expressive communication and evaluation and assessment to define and implement art-based treatment plans to address cognitive, behavioral, developmental, and emotional needs.” This could be interpreted to suggest that an art therapist will be permitted to evaluate, assess, and treat

communication disorders. This is in direct conflict with the scope of practice of speech-language pathologists.

GAC is also closely watching SB 255, which is currently pending in the House, having just passed the Senate prior to recess. That bill would require all occupational licensing boards to be renewed at least one every five years by the General Assembly. If a licensure board expires under the terms of the bill, the professionals that were regulated by that board can still practice but do so without the oversight of a licensure board. ASHA is very interested in this bill, as it would negatively impact the use of their professional certification in Ohio. ASHA is considering coming to Ohio to testify in opposition to the bill.

In addition, we continue to follow an effort by the Ohio Speech Professionals Board to pursue legislation to update some of their licensure laws. While GAC did not have any concerns or recommendations to the proposed changes when we reviewed them in the Spring, the hearing aid dealers' association did have one recommendation with regard to ORC 4747.06(B). Specifically, they recommended that the listed continuing education providers not be removed from statute. Gregg Thornton took that recommendation with the Rules Committee, and the Committee agreed and submitted its report to the full board which was accepted. The Board will be continuing to work with the Governor's office on the next steps for these legislative changes.

On the administrative rules front, GAC decided not to testify on the new "Skilled Therapy Services" rule, 5160-8-35. This is the rule that was amended to include the requirement that, in order to for SLP or audiology services to be reimbursed by Ohio Medicaid, they must be based on a referral issued by a "licensed practitioner of the healing arts." While SLPs and audiologists are "licensed practitioners of the healing arts" under the Medicaid Schools Program, that same definition does not apply in traditional Medicaid. Accordingly, this new language in the rule solidifies the requirement that a physician must refer for SLP and audiology services if Medicaid is to reimburse for those services. GAC had considered making the case for direct access or self-referral in the public hearing on the rule, but ultimately decided against it because of the potential for unintended negative consequences.

Governor Kasich recently announced that he hopes to max out the state's rainy day fund and provide additional tax relief to Ohioans before leaving office. According to the Office of Budget and Management (OBM) Director Tim Keen, the state could use the current budget surplus in Fiscal Year 2019 (roughly \$368 million) to pay for the one-time cost of the tax adjustment (roughly \$150 million). Earlier this year, Governor Kasich added over \$650 million to the state's rainy day fund, growing its total to \$2.7 billion. He would like to grow that to the state's legal limit of 8.5% of general revenue fund revenues. The governor's plan has been met with pushback, especially from local government groups and Democrats, who would like the surplus to be used to benefit schools, address the opioid crisis, and help local governments, which have experienced significant cuts under his administration.

Ohio's unemployment rate increased to 4.6% in July, up from 4.5% the previous month. While the total number of employed citizens increased by 7,600 over the month, the number of unemployed also increased, according to data from the Ohio Department of Job and Family Services. Over the past 12 months, the number of unemployed dropped by 28,000 as the unemployment rate fell from 5.1%. Total jobs in the state grew by over 80,000 jobs. The U.S. unemployment rate was 3.9%, down from 4.3% a year ago.

Heading into campaign season, here is an overview of some of the important races:

Ohio Governor: After a busy primary for both gubernatorial candidates the main event is set between current Attorney General Mike DeWine (R) and former Consumer Financial Protection Bureau Director Richard Cordray (D). The race will be competitive and will set the tone for down ticket races and voter turnout. They have respectively selected current Secretary of State Jon Husted (R) and former U.S. Congresswoman Betty Sutton (D) as their Lieutenant Governor running mate candidates.

Statewide Candidates: Auditor Dave Yost (R) will be facing Steve Dettelbach (D), former U.S. Attorney for Ohio's Northern District for the right to be Ohio's "top cop." Representative and former Senate President Keith Faber (R) will square off against Zack Space, (D) former U.S. Congressman for the chance to be State Auditor. Representative Robert Sprague (R) is running against Rob Richardson (D), a marketing construction representative, to succeed Josh Mandel as State Treasurer. Candidates for Secretary of State are both current members of the General Assembly. Senator Frank LaRose (R) and Representative Kathleen Clyde (D) seek the seat to be the Chief Elections Officer in the state.

Ohio Supreme Court

Due to the departure of Justice O'Neill in his bid for the Democratic nomination for Governor, Governor Kasich appointed Mary DeGenaro (R) to fill his vacancy. Justice DeGenaro is running against Judge Melody Stewart (D) this fall to secure a full term. Additionally, due to the forced age term limit met by Justice O'Donnell, his seat is being contested by Judge Craig Baldwin (R) and Judge Michael Donnelly (D).

Ohio Senate

The Senate's current 33-seat configuration is 24 (R) and 9 (D). There are 17 seats up for election this fall, with 7 incumbents seeking a second term and 10 "open" seats. However, those 10 seats are likely to be filled with current House members that are termed out of the Ohio House and are seeking to advance to the Senate. The Senate Majority Leadership team will remain nearly the same under the lead of Senate President Larry Obhof. He will have to replace Gayle Manning as she departs for term limits and seeks a House seat. The Senate Minority Leadership team led by Kenny Yuko will need some rebuilding due to the term limited loss of Senators Tavares and Brown.

Ohio House of Representatives

Due to the early resignation of Speaker Cliff Rosenberger, the battle to succeed him moved into hyperdrive this spring. Prior to the resignation, Finance Chair Ryan Smith had been working to ascend to the Speaker's Chair, but also vying for the gavel is former Speaker Larry Householder. Due to the resignation, a leadership vote was called, and Ryan Smith won a plurality of votes to become Speaker of the House. He is working to maintain the historic majority of 66 of the 99 seats. Unlike the Senate, all 99 House seats are up for election. Of these, 34 seats are "open" based on current party (22-R, 12-D) meaning a third of the House will be new faces to the institution.

The House Minority Caucus, under the leadership of Fred Strahorn, is seeking to make gains, while it is plausible, it is not likely that a 17-seat swing will occur and the majority changes hands, he is confident that his team can shrink the majority in the House. Leader Strahorn will need to replace a member of his leadership team next session as Nick Celebreeze is not seeking his final term in order to seek other opportunities. The November Election will provide clarity on the balance of power and determine who holds the gavel in 2019.

We have been tracking the following legislation that has been introduced in the 131st General Assembly:

- HB49** **OPERATING BUDGET (SMITH R)** Creates FY 2018-2019 main operating budget.
Current Status: 8/22/2017 - Consideration of Governor's Veto
- HB51** **DEPARTMENT REVIEW SCHEDULE (FABER K)** To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.
Current Status: 5/16/2017 - **REPORTED OUT AS AMENDED**, House State and Local Government, (Fourth Hearing)
- HB75** **PROFESSIONAL LICENSURE-ARMED FORCES (GAVARONE T, MERRIN D)** To establish an expedited process to grant a professional license to an individual who is on active duty as a member of the armed forces of the United States, or is the spouse of such an individual, and holds a valid license in another state.
Current Status: 3/15/2017 - House Armed Services, Veterans Affairs and Homeland Security, (Second Hearing)

- HB85** **ENTER HEALTH CARE COMPACT (RETFERFORD W)** To enter into the Health Care Compact.
Current Status: 5/15/2018 - **REPORTED OUT**, House Federalism and Interstate Relations, (Second Hearing)
- HB98** **CAREER INFORMATION FOR STUDENTS (DUFFEY M, BOGGS K)** Regarding the presentation of career information to students, the calculation of Ohio College Opportunity Grant awards, and career-technical educator licenses; to modify degree requirements for interim career-technical teachers; to provide an additional payment to school districts with nuclear power plants in their territories that meet specified criteria; and to modify the earmarked appropriations for certain payments to school districts.
Current Status: 3/30/2018 - **SIGNED BY GOVERNOR**; eff. 6/29/18
- HB115** **DATABASE-PERSONS WITH COMMUNICATION DISABILITY (GAVARONE T, WIGGAM S)** To establish a database of persons who voluntarily register as being diagnosed with a communication disability or who voluntarily register a minor child or ward as the parents or guardians of such persons for purposes of law enforcement notification.
Current Status: 5/2/2018 - **SIGNED BY GOVERNOR**; eff. 8/1/18
- HB131** **PHYSICAL THERAPY LAWS (GAVARONE T, REINEKE W)** To modify the laws governing the practice of physical therapy.
Current Status: 6/26/2018 - Senate Health, Human Services and Medicaid, (Third Hearing)
- HB150** **LICENSE PLATE CREATION (PATMON B)** To create a special license plate for hearing-impaired individuals.
Current Status: 6/7/2017 - House Transportation and Public Safety, (Second Hearing)
- HB262** **INDEPENDENT BUDGET PROCESS (BUTLER, JR. J, ROMANCHUK M)** To provide for the preparation of a state biennial budget independent of that submitted by the Governor and to authorize the Legislative Service Commission, upon the request of the Speaker of the House of Representatives or the President of the Senate, to arrange for an independent actuarial review of a proposed bill, specified analyses of economic policy initiatives and state benchmarking data, and a study of the state's long-range financial outlook.

Current Status: 6/20/2017 - Referred to Committee House Government Accountability and Oversight

HB280 **MOTORCYCLE EARPLUGS (GOODMAN W)** To permit a person to wear earplugs for hearing protection while operating a motorcycle.

Current Status: 11/8/2017 - House Transportation and Public Safety, (Second Hearing)

HB289 **OCCUPATIONAL LICENSING REVIEW (HOOD R, MCCOLLEY R)** To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, to require the Common Sense Initiative Office to review certain actions taken by occupational licensing boards, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.

Current Status: 1/30/2018 - House Government Accountability and Oversight, (Second Hearing)

HB382 **UNEMPLOYMENT COMPENSATION LAW (SCHURING K)** To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law.

Current Status: 3/21/2018 - House Government Accountability and Oversight, (Twentieth Hearing)

HB399 **HEALTH INSURANCE SAVINGS INCENTIVES (HENNE M, BUTLER, JR. J)** To enact the Ohio Right to Shop Act to require health insurers to establish shared savings incentive programs for enrollees.

Current Status: 6/6/2018 - House Health , (First Hearing)

HB440 **SINGLE-PAYER HEALTH CARE (FEDOR T, KENT B)** To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

Current Status: 1/31/2018 - House Insurance, (First Hearing)

- HB465** **PRESCRIBED DRUGS BENEFIT-MEDICAID** (LIPPS S) To provide for the prescribed drugs benefit to be delivered under the Medicaid program through the fee-for-service system.
Current Status: 5/23/2018 - House Health , (First Hearing)
- HB491** **SUBSTITUTE TEACHERS-SPECIFIED SERVICES** (EDWARDS J) To require the State Board of Education to issue a substitute license to specified pupil services personnel.
Current Status: 6/7/2018 - **PASSED BY HOUSE**; Vote 86-2
- HB529** **CAPITAL APPROPRIATIONS** (RYAN S) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020.
Current Status: 3/30/2018 - **SIGNED BY GOVERNOR**; eff. 6/29/18
- HB546** **TELEMEDICINE-HEALTH BENEFIT PLANS** (PATTON T) To prohibit health benefit plans from treating telemedicine services differently from in-person health care services solely because they are provided as telemedicine services.
Current Status: 6/27/2018 - House Health , (Fourth Hearing)
- HB557** **ART THERAPY LICENSURE** (ANIELSKI M) To require the licensure of art therapists and to require the Counselor, Social Worker, and Marriage and Family Therapist Board to regulate the licensure and practice of art therapists.
Current Status: 6/6/2018 - **REPORTED OUT AS AMENDED**, House Health , (Fifth Hearing)
- HB583** **LOCAL OCCUPATIONAL LICENSING LIMITS** (HENNE M) To limit the occupational license and registration requirements and fees that a political subdivision may impose on state-regulated occupations, to establish a waiver exempting certain persons from paying occupational license or registration fees, and to revise the licensing restrictions applicable to individuals convicted of criminal offenses.
Current Status: 5/22/2018 - House Economic Development, Commerce and Labor, (First Hearing)
- HB620** **REGULATION REDUCTION** (ROEGNER K, RIEDEL C) To require agencies to reduce the number of regulatory restrictions.
Current Status: 5/15/2018 - Referred to Committee House Government Accountability and Oversight

- HB658 CUSTODY-GENDER BASED TREATMENT (BRINKMAN T, ZELTWANGER P)** To prohibit a court from using a parent, guardian, or custodian's refusal to allow a child to undergo gender-based treatment as a basis for determining custody of the child.
Current Status: 6/20/2018 - House Community and Family Advancement, (First Hearing)
- HB716 TEMPORARY LICENSING-MILITARY (BUTLER, JR. J, PERALES R)** 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 active duty.
Current Status: 7/30/2018 - Introduced
- HCR5 SUPPORT AFFORDABLE CARE ACT (SYKES E)** To urge the Congress of the United States, and in particular the Ohio Congressional delegation, to support the preservation of the Patient Protection and Affordable Care Act of 2010.
Current Status: 4/11/2018 - House Insurance, (First Hearing)
- HCR6 REPEAL AFFORDABLE CARE ACT (GOODMAN W, FABER K)** To urge congress to continue its efforts to fully repeal the affordable care act and to recommend that future federal health care policies restore power to the states, fund the Medicaid program through block grants to individual states, and permit the sale of health insurance across state lines.
Current Status: 3/7/2017 - Referred to Committee House Government Accountability and Oversight
- HJR4 UNEMPLOYMENT COMPENSATION BONDS (SCHURING K)** To allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program.
Current Status: 3/21/2018 - House Government Accountability and Oversight, (Twentieth Hearing)
- SB3 WORKFORCE DEVELOPMENT (BEAGLE B, BALDERSON T)** To revise the laws governing the state's workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week.
Current Status: 11/6/2017 - **SIGNED BY GOVERNOR**; Eff. 2/5/2018

- SB27** **DEAF HISTORY MONTH DESIGNATION (BEAGLE B)** To designate the period beginning March 13 and ending April 15 as "Ohio Deaf History Month."
Current Status: 10/19/2017 - **SIGNED BY GOVERNOR**; eff. 1/18/2018
- SB48** **HEARING IMPAIRED-DRIVING (WILLIAMS S)** To create a special license plate for hearing-impaired individuals and to require the registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if requested.
Current Status: 3/7/2017 - Senate Local Government, Public Safety and Veterans Affairs, (First Hearing)
- SB59** **BICYCLE USE-HELMETS (SKINDELL M)** To require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.
Current Status: 3/28/2017 - Senate Local Government, Public Safety and Veterans Affairs, (First Hearing)
- SB79** **STATE DEPARTMENTAL REVIEW SCHEDULE (JORDAN K)** To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.
Current Status: 4/10/2018 - House Government Accountability and Oversight, (First Hearing)
- SB91** **OHIO HEALTH CARE PLAN (SKINDELL M, TAVARES C)** To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.
Current Status: 3/28/2017 - Senate Insurance and Financial Institutions, (First Hearing)
- SB93** **HEALTH INSURANCE-HEARING AIDS (BROWN E)** To require health insurers to offer coverage for hearing aids.
Current Status: 3/28/2017 - Senate Insurance and Financial Institutions, (First Hearing)

- SB99** **MEDICAID EXPANSION-NEW ENROLLMENT (COLEY W)** To prohibit the Medicaid program from newly enrolling individuals as part of the expansion eligibility group.
Current Status: 3/21/2017 - Senate Health, Human Services and Medicaid, (First Hearing)
- SB110** **HEALTH CARE PROFESSIONALS-IDENTIFICATION (TAVARES C)** To require a health care professional to wear identification when providing care or treatment in the presence of a patient.
Current Status: 1/23/2018 - Senate Health, Human Services and Medicaid, (First Hearing)
- SB168** **MEDICAID EXPANSION (JORDAN K)** To prohibit the Medicaid program from covering the expansion eligibility group and to require aggregate General Revenue Fund appropriations for state agencies to be reduced by specified amounts for the biennium beginning July 1, 2017, and ending on June 30, 2019.
Current Status: 6/28/2017 - Referred to Committee Senate Finance
- SB174** **WAGE PROTECTIONS-FAIR ACT (TAVARES C)** To enact the "Fair and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages.
Current Status: 9/7/2017 - Referred to Committee Senate Transportation, Commerce and Workforce
- SB177** **VOLUNTEER HEALTH CARE-IMMUNITY (LEHNER P)** To expand the circumstances in which qualified immunity from civil liability applies with respect to volunteer health care services provided to indigent and uninsured persons.
Current Status: 4/10/2018 - Senate Judiciary, (Second Hearing)
- SB255** **OCCUPATIONAL LICENSING BOARDS REVIEW (MCCOLLEY R)** To require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.
Current Status: 6/27/2018 - **PASSED BY SENATE**; Vote 24-8
- SB266** **CAPITAL BUDGET (OELSLAGER S)** To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020.
Current Status: 3/6/2018 - Senate Finance, (Third Hearing)

SB293 **REDUCTION OF AGENCY REGULATIONS** (PETERSON B, MCCOLLEY R) To require agencies to reduce the number of regulatory restrictions.

Current Status: 6/27/2018 - **PASSED BY SENATE**; Vote 23-9

SB320 **TEMPORARY LICENSES-MILITARY** (BEAGLE B, LEHNER P) 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 active duty.

Current Status: 8/1/2018 - Introduced

SB321 **REQUIRE DEPOSITS TO GRF** (LAROSE F) To require state agencies to deposit all fines, penalties, and late fees into the state treasury to the credit of the General Revenue Fund unless the law specifically provides otherwise.

Current Status: 8/9/2018 - Introduced