



Ohio Speech & Hearing Governmental Affairs Coalition
Legislative Activities Report
April 2020

What originally began as a bill to make technical corrections to Ohio's tax code (HB 197) ultimately became the legislative vehicle to address the initial and pressing concerns surrounding the COVID-19 pandemic. In an unprecedented session, which required legislators to maintain social distancing standards, the Senate added over a dozen changes in an omnibus amendment to the bill before House concurrence and ultimately delivering the legislation to the governor. The House unanimously concurred with the Senate amendments, with some members voting from the gallery or traveling from committee rooms to voice support for the measure. Among the changes in the amendment were the extensions of the state's income tax deadline to July 15 and the March 17 primary election to April 28 through mail-in voting. Language was also inserted into the bill to allow a transfer from the Budget Stabilization Fund to balance the Fiscal Year 2020 books. Speaker Larry Householder (R-Glenford) said the bill is likely the end of legislative action in the state for the near future.

Among the provisions in the Senate omnibus amendment is an extension of license validity, including professional licenses, until the sooner of 90 days after the emergency ends or December 1, if the license would otherwise expire during the emergency, unless it is revoked, suspended, or otherwise subject to discipline or limitation under the applicable law for reasons other than delaying to renew. This applies to all SLP and audiology licenses to practice.

In light of the use of some of the state's Budget Stabilization (rainy day) Fund in HB 197 and given the continuing response to the pandemic, Governor DeWine is predicting a significant negative impact on Ohio's economy. For example, moving the tax due date to July 15 will cost the state approximately \$1 billion. Tax increases were never mentioned as a solution to the budget shortfall. Accordingly, the Governor has asked all agencies to submit 20% cuts to their budgets in the current biennium. GAC has advocated that funding to providers not be impacted.

The Ohio House 2020 Economic Recovery Task Force was recently created. The Task Force is a 24-member bipartisan panel appointed by Speaker Larry Householder to facilitate the restoration of an Ohio economy derailed by the ongoing coronavirus pandemic. The Task Force had its first organizational meeting on April 6th and is conducting meetings multiple times per

week with a goal of producing recommendations by April 17th. GAC has advocated that telehealth services remain after the end of the emergency. Some clients will have gotten used to and prefer this service delivery modality. Moreover, many providers made significant investments in telehealth technology and that should not go to waste. We have also advocated that the House quickly pass HB 580, which would expand telehealth coverage to commercial insurance plans.

Ohio Medicaid just submitted an 1135 waiver to CMS to respond to the COVID crisis. This allows ODM to ask for exceptions to the ordinary rules required by CMS in order to address the emergency. If approved, the waivers will be retroactive to March 20, 2020. Among other things, the waiver would allow for:

- continuation of Medicaid eligibility with recertification during the crisis,
- suspension of provider recertification/renewal requirements,
- elimination of all prior authorization requirements for Medicaid services,
- deferral of any state plan required face-to-face visits for the state plan Home Health benefits, including Durable Medical Equipment (DME),
- suspension of face-to-face requirement, physician's order, and new medical necessity documentation for replacement of durable medical equipment (DME),
- waiver of signature requirements for DME, and
- expansion of service settings to allow adult day services (ADS) and vocational habilitation (voc. hab) providers to furnish services in residential settings and remotely.

Separately, Ohio Medicaid filed revisions to the rules governing the Medicaid Schools Program (MSP) on April 15th to clarify the use of telehealth under the MSP in light of the pandemic. There is a public hearing on the proposed revisions on May 15, 2020. The revised rules make the following changes:

- 5160-35-01 Definitions: Added a definition for Telehealth in accordance with OAC 5160-1-18.
- 5160-35-02 Qualifications to be a Medicaid School Program (MSP) provider: Added a reference to Telehealth as a reimbursable service in accordance with OAC 5160-1-18, and in accordance with guidance previously issued in Medicaid Transmittal Letter

Number 11-15, dated October 19, 2011 which provided guidance to support Medicaid coverage of speech therapy through interactive audio-visual technologies, commonly referred to as telehealth, when provided by Speech-Language Pathologists through the Medicaid School Program (MSP).

- 5160-35-04 Reimbursement for services provided by Medicaid School Program (MSP) providers: Added a reference to Telehealth as a reimbursable service in accordance with OAC 5160-1-18, and in accordance with guidance previously issued in Medicaid Transmittal Letter Number 11-15
- 5160-35-04 Reimbursement for services provided by Medicaid School Program (MSP) provider. Appendix A of this rule, which contains the list of MSP reimbursement codes, will be rescinded, and will now coexist with the general Medicaid reimbursement

On the federal level, for those GAC employers that have less than 500 employees, Congress has provided options for loans through the Small Business Association and under the Payroll Protection Program (PPP). Providers are encouraged to work with their current banking partners on an application for the PPP. Many providers have had a frustrating experience in accessing this assistance, but things seem to be moving forward now for many. President Trump has asked Congress to authorize more funding for the Payroll Protection Program. SBA loans appear to be moving more slowly, but once an SBA loan number is generated, payment is required to be provided to the applicant within 10 days.

Rep. Don Manning (R-New Middletown), a first-term lawmaker, died at the age of 54 on Friday March 20th after going to the hospital while suffering chest pains. Manning had previously worked as a truancy, detention and probation officer where he was involved with juvenile offenders, sex offenders and Ohioans with mental health and addition issues. Manning was elected in 2018 by just a few hundred votes over Rep. John Boccieri (D-Poland), flipping the traditionally Democratic Mahoning Valley seat to Republicans. Rep. Manning was vice chair of the House Health Committee and was a member of the standing committees on Agriculture & Rural Development and Criminal Justice.

We are currently monitoring the following legislation on your behalf:

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

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: 3/23/2020 - Introduced

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: 3/23/2020 - Introduced

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: 3/23/2020 - Introduced

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

Current Status: 3/23/2020 - Introduced

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: 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)
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- 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)
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- SB29** **MEDICAID COPAYMENTS (DOLAN M)** Regarding Medicaid copayment requirements.
- Current Status:* 2/19/2019 - Senate Health, Human Services and Medicaid, (Second Hearing)
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- 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
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- 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)
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- 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: 3/24/2020 - Introduced