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**Ohio Speech & Hearing Governmental Affairs Coalition
Legislative Activities Report
November 2014**

The 2014 General Election saw a wave of Republican support at both the state and federal level as the GOP claimed sweeping victories that exceeded their own expectations. In Ohio, Democrats, despite facing Republican-drawn legislative districts as well as a significant fundraising disadvantage, had hoped for success in a few targeted races. Nevertheless, the challenges they faced at the top of the ticket races, primarily the troubles facing Democratic gubernatorial candidate Ed FitzGerald, proved too much for them to overcome. At the federal level, Republicans captured at least seven U.S. Senate seats, giving them firm control over Congress and creating an interesting situation for President Obama's final two years in office.

Leading the ticket for the Ohio GOP was Governor John Kasich, who defeated opponent Ed FitzGerald by a resounding 64%-33% margin. All other statewide offices will also remain under Republican control as Attorney General Mike DeWine, Auditor Dave Yost, Secretary of State Jon Husted, and Treasurer Josh Mandel all successfully defended their seats against their Democratic challengers. Republicans also claimed the two Ohio Supreme Court seats up for grabs on election night, giving the GOP a 6-1 majority on the high court. Justice Sharon Kennedy, who has served on the Ohio Supreme Court since December 2012, defeated opponent and current House member, Representative Tom Letson (D-Warren). Justice Kennedy won with roughly 72% of the vote. Justice Judith French had a more contested race, narrowly defeating Cuyahoga County Common Pleas Court Judge John O'Donnell with 56% of the vote.

The wave of Republican support was also evident in the Ohio House and Senate races, as Republicans picked up five seats in the House and successfully defended their majority in the Senate against strong Democratic challengers. Republicans are poised to have 65 seats in the Ohio House next General Assembly, this will be the largest majority ever since the current 99-member House and 33-member Senate were formed in the 1960's. In the Senate, Democrats hoped to upset Dayton-area Senator Bill Beagle, and Republicans saw a chance to win the

heavily Democratic 9th District in Cincinnati. However, neither effort was successful and Senate Republicans will maintain their 23-10 majority.

With the election now behind them, legislators will return their focus to legislative work as they begin the hectic lame duck session. Lawmakers are scheduled to return to session on November 12th and will have until the end of December to pass legislation. Any legislation left pending at the end of the year will have to be reintroduced next session. This often leads to numerous bills moving through the legislative process quickly as legislators, especially those leaving office, try to wrap up work on issues they have been working on all session. GAC continues to push to “cross the finish line” on HB 109 and for inclusion of an amendment in separate pending legislation to address current problems with STRS.

Outside of the legislature, GAC is closely following progress on proposed Ohio Medicaid rule 5160-1-18, which is being created to establish a policy relating to the coverage of Medicaid services delivered through telemedicine. The rule seeks to establish that, for the purposes of Medicaid coverage, telemedicine is the direct delivery of evaluation and management or psychiatric services to a Medicaid eligible patient via synchronous, interactive, real-time electronic communication that comprises both audio and video elements. Under the proposed rule, physicians (MD & DO) and licensed psychologists may be eligible for payment for eligible services rendered through telemedicine. GAC is submitting testimony at the public hearing on November 17th which outlines the need to add speech-language pathology and audiology services and practice locations to the rule’s coverage. The comments focus on increasing access to these healthcare services which are critical to Medicaid consumers’ communication abilities in life and work. It is important to remember, however, that the Medicaid schools program still contains the provision which allows for providers in the schools to bill for telepractice under the school program. We submit that the same should be true outside the schools and suggest that the rule be revised to reflect that.

Also on the Medicaid front, GAC submitted informal comments on the Medicaid Schools Program (MSP) rules, which have been in place for the last five years. Under law, the Department is required to review the rules at this time and in so doing, is recommending several changes. The rules, renumbered as 5160-35-01 through -06 do not contain many substantive changes. However, GAC did recognize that the coding chart for the new rule included physical therapists as appropriate providers under code 92526 and nurses as appropriate providers under 92567. We believe that neither of these provider types can perform those services within their scope of practice. Accordingly, in our informal comments, we asked that that section be revised to remove those providers from the list for those codes.

Finally, GAC continues to coordinate the efforts of a school-based SLP workgroup made up of individuals representing OSSPEAC, OSLHA, OBSLPA, Ohio Universities and the Supervisory Network. The group met via conference call on November 11th and worked on

several additions to its holistic proposal. The group is scheduled to meet again on December 4th to make what we hope are the final edits prior to presenting the proposal to ODE in December or January. Focusing on workforce development, recruitment and retention, the proposal is shaping up to be a terrific short and long term solution-based proposal.

We have been tracking the following legislation that has been introduced during the 130th Ohio General Assembly:

HB3 HEALTH INSURANCE ACCOUNTABILITY ACT (SEARS B, KUNZE S) To specify licensing and continuing education requirements for insurance agents involved in selling, soliciting, or negotiating sickness and accident insurance through a health benefit exchange.

Current Status: 4/30/2013

SIGNED BY GOVERNOR

Eff. 7/30/2013

HB59 BIENNIAL BUDGET (AMSTUTZ R) To make operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions for the operation of state programs.

Current Status: 6/30/2013

SIGNED BY GOVERNOR

Eff. 6/30/2013; Some Eff. 9/29/2013; Others Various Dates

HB91 HEALTH CARE FREEDOM ACT (YOUNG R, THOMPSON A) To enact the Health Care Freedom Act.

Current Status: 4/24/2013

House Health and Aging Committee

Second Hearing

HB98 OCCUPATIONAL LICENSING LAW (GONZALES A, RETHERFORD W) To revise the Occupational Licensing Law regarding military service members and veterans.

Current Status: 11/15/2013

SIGNED BY GOVERNOR

Eff. 11/15/2013

HB109 HEARING AIDS (DAMSCHRODER R) To specify individuals who are permitted to recommend and fit hearing aids and to prohibit specified sales of hearing aids via mail.

Current Status: 11/6/2013

REPORTED OUT

Senate Commerce and Labor Committee

Fourth Hearing

HB121 OHIO HEALTH SECURITY ACT (HAGAN R, FOLEY M) To enact the Ohio Health Security Act to establish and operate the Ohio Health Care Plan to provide universal

health care coverage to all Ohio residents.

Current Status: 4/17/2013

Referred to the House Insurance Committee

HB123 TELEHEALTH SERVICES (GONZALES A, WACHTMANN L) Regarding Medicaid and health insurance coverage of telehealth services.

Current Status: 2/18/2014

SIGNED BY GOVERNOR

Eff. 5/20/2014

HB125 MEDICAID EXPANSION (CARNEY J, ANTONIO N) To permit the Medicaid program to cover the eligibility expansion group authorized by the Patient Protection and Affordable Care Act and to make an appropriation.

Current Status: 4/17/2013

Referred to the House Finance and Appropriations Committee

HB176 MEDICAID REFORMS (SEARS B) To require the Medical Assistance Director to implement Medicaid reforms, to permit the Medicaid program to cover an additional group under certain circumstances, to revise the duties of the Joint Legislative Committee on Medicaid Technology and Reform, and to make an appropriation.

Current Status: 10/16/2013

House Health and Aging Committee

First Hearing

HB208 MEDICAID REFORMS (AMSTUTZ R, SYKES V) To require the Medicaid Director to implement certain reforms to the Medicaid program, to require the Director of Job and Family Services to implement certain reforms to workforce development activities, and to create the Joint Medicaid Oversight Committee.

Current Status: 1/8/2014

House Finance and Appropriations Committee

Fourth Hearing

HB227 HEALTH CARE COMPACT (RETFERFORD W, BOOSE T) To enter into the Health Care Compact.

Current Status: 4/1/2014

REPORTED OUT

House State and Local Government Committee

Fourth Hearing

HB234 HUNTING GUN LAW (GROSSMAN C, BECKER J) To allow a person to use a noise suppressor attached to a gun while hunting game birds or wild quadrupeds.

Current Status: 6/4/2014

Senate Civil Justice Committee

Third Hearing

HB255 MEDICAID ELIGIBILITY (BECKER J) To revise the law governing eligibility for the Medicaid program and to abolish the Medicaid Buy-In for Workers with Disabilities Program.

Current Status: 10/16/2013
House Health and Aging Committee
First Hearing

HB271 HEALTH CARE-IMMUNITY EXPANSION (BECKER J) To expand the immunity from liability for health care professionals, health care workers, and nonprofit health care referral organizations when providing specific care to an indigent and uninsured person.

Current Status: 10/8/2013
House Insurance Committee
First Hearing

HB276 UNANTICIPATED OUTCOME-MEDICAL CARE (STAUTBERG P) To provide that certain statements and communications made regarding an unanticipated outcome of medical care are inadmissible as evidence, and to require a plaintiff in a medical claim to establish that the defendant's act or omission is a deviation from the required standard of medical care.

Current Status: 5/28/2014
REPORTED OUT AS AMENDED
House Judiciary Committee
Fourth Hearing

HB317 MEDICAID REFORM MEASURES (SEARS B) Regarding reforms relating to Medicaid, fraud committed against the state, penalties for certain drug offenses committed against pregnant women, non-opiate medication for released inmates, prescription-related identification requirements, and education for individuals without a high school diploma.

Current Status: 10/30/2013
Referred to the House Health and Aging Committee

HB342 STRAIGHT A PROGRAM (BRENNER A, DRIEHAUS D) To permit an educational service center to be a partner or the lead applicant of an education consortia seeking a grant under the Straight A Program and to modify the goals of projects supported by the program.

Current Status: 3/11/2014
SIGNED BY GOVERNOR
Eff. 3/11/2014

HB361 HEALTH CARE INSURERS-ACQUIRED BRAIN INJURY COVERAGE (GONZALES A, SMITH R) To prohibit health insurers from excluding coverage related to acquired brain injuries.

Current Status: 3/12/2014
House Health and Aging Committee

Third Hearing

HB431 WORKERS' COMPENSATION-MEDICAID ELIGIBILITY STUDY COMMITTEE (SEARS B, HENNE M) To create the Workers' Compensation and Medicaid Eligibility Study Committee.

Current Status: 2/25/2014

Referred to the House Health and Aging Committee

HB434 DISABILITY ACCOMMODATIONS THROUGH TECHNOLOGY COUNCIL (BARNES, JR. J) To create the Disability Accommodations through Technology Council.

Current Status: 2/25/2014

Referred to the House Health and Aging Committee

HB472 MBR-MID-BIENNIUM BUDGET REVIEW (MCCLAIN J) To make operating and other appropriations and to provide authorization and conditions for the operation of state programs.

Current Status: 3/26/2014

House Ways and Means Committee

Third Hearing

HB483 MBR-OPERATION OF STATE PROGRAMS (AMSTUTZ R) To make operating and other appropriations and to provide authorization and conditions for the operation of state programs.

Current Status: 6/16/2014

SIGNED BY GOVERNOR

Eff. 6/16/2014 Other Sections Eff. on Other Dates

HB485 MBR-OFFICE OF HUMAN SERVICES INNOVATION (SMITH R, JOHNSON T) To establish the Office of Human Services Innovation in the Department of Job and Family Services.

Current Status: 5/14/2014

Senate Medicaid, Health and Human Services Committee

Second Hearing

HB492 MBR-TAXATION (SCHERER G) To provide authorization and conditions for the levy and administration of taxes in this state.

Current Status: 6/16/2014

SIGNED BY GOVERNOR

Eff. 9/17/2014

HB511 INSURANCE-RELATED CHANGES (SEARS B) To suspend the operation of continuation of coverage requirements and make other insurance-related changes.

Current Status: 6/3/2014

Referred to the Senate Insurance and Financial Institutions

Committee

HB546 LICENSURE-MUSIC THERAPISTS (DOVILLA M, ANTONIO N) To require the licensure of music therapists.

Current Status: 5/27/2014

Referred to the House Health and Aging Committee

HCR6 FEDERAL EXCISE TAX-MEDICAL DEVICES (BRENNER A, HUFFMAN M) To urge the Congress of the United States and the President of the United States to repeal the new federal excise tax on medical devices.

Current Status: 4/30/2013

Referred to the Senate Medicaid, Health and Human Services Committee

SB9 HEALTH INSURANCE LAWS (BACON K) To make changes to Ohio's health insurance laws related to implementation of the Federal Affordable Care Act.

Current Status: 6/4/2013

SIGNED BY GOVERNOR

Eff. 9/4/2013

SB21 THIRD-GRADE READING GUARANTEE (LEHNER P) To revise the requirements for reading teachers under the Third-Grade Reading Guarantee.

Current Status: 6/4/2013

SIGNED BY GOVERNOR

Eff. 6/4/2013

SB104 OHIO HEALTH CARE PLAN (SKINDELL M) To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

Current Status: 4/16/2013

Referred to the Senate Medicaid, Health and Human Services Committee

SB117 MEDICAID PROGRAM (SMITH S) To permit the Medicaid program to cover the eligibility expansion group authorized by the Patient Protection and Affordable Care Act and to make an appropriation.

Current Status: 5/8/2013

Referred to the Senate Finance Committee

SB131 HEALTH CARE PROFESSIONAL REQUIREMENT (TAVARES C) To require certain health care professionals to complete instruction in cultural competency.

Current Status: 5/22/2013

Referred to the Senate Medicaid, Health and Human Services Committee

SB132 HEALTH CARE PROFESSIONAL LICENSE DISPLAY (TAVARES C) To require

certain health care professionals to wear, when providing direct patient care, an identification card, badge, or similar device that includes a photograph of the professional and specifies the license held by the professional.

Current Status: 5/22/2013

Referred to the Senate Medicaid, Health and Human Services Committee

SB145 MEDICAID REFORMS (BURKE D, CAFARO C) To require the Medicaid Director to implement certain reforms to the Medicaid program, to require the Director of Job and Family Services to implement certain reforms to workforce development activities, and to create the Joint Medicaid Oversight Committee.

Current Status: 6/19/2013

Senate Medicaid Finance Subcommittee
First Hearing

SB166 MEDICAID (CAFARO C) To revise the law governing the Medicaid program.

Current Status: 9/26/2013

Referred to the Senate Finance Committee

SB206 MEDICAID (BURKE D, CAFARO C) To require implementation of certain Medicaid revisions, reform systems, and program oversight, and to make an appropriation.

Current Status: 12/19/2013

SIGNED BY GOVERNOR

Eff. 3/20/2014 Section 9 Eff. 12/19/2013

SB213 NOT-FOR-PROFIT QUARTER AUCTIONS (GARDNER R) To permit charitable organizations to conduct not-for-profit quarter auctions.

Current Status: 11/12/2013

Senate State Government Oversight and Reform Committee
Second Hearing

SB221 STROKE CENTER HOSPITALS (GARDNER R) To provide for state recognition of hospitals that are comprehensive stroke centers, primary stroke centers, and acute stroke ready hospitals.

Current Status: 1/8/2014

Senate Medicaid, Health and Human Services Committee
First Hearing

SB257 HEARING AID COVERAGE (BROWN E) To require health insurers to offer coverage for hearing aids.

Current Status: 2/4/2014

Senate Insurance and Financial Institutions Committee
First Hearing