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| **GOVERNMENTAL POLICY GROUP, INC.**  17 SOUTH HIGH STREET – SUITE 245  COLUMBUS, OHIO 43215-3413  PHONE: 614-461-9335  FAX: 614-461-9336  **Ohio Speech & Hearing Governmental Affairs Coalition**  Legislative Activities Report  **January 2016** |

The first half of the 131st General Assembly came to a close in December as legislators broke for the winter holidays. Lawmakers are tentatively scheduled to return on January 20th. President Keith Faber has promised a busy legislative agenda when lawmakers return; however, their agenda will largely be shaped by the election. Ohio’s Primary Election is on March 15th and the General Election is on November 8th. The House and Senate are scheduled to hold session until the end of May, with some “if needed” session dates scheduled in June. Legislators will then break until after the General Election, at which point they will begin the hectic period of the General Assembly known as lame duck session.

2016 will be an interesting year on Capital Square for both political and policy reasons. On the political side, all 99 House seats will appear on the ballot as well as 16 seats in the Ohio Senate. While Republicans expect to maintain control in both the House and Senate next General Assembly, Democrats feel confident that they will be able to win a few key seats and cut into the Republican majority. Of particular note this election cycle is the large number of open House and Senate seats up for grabs next year. While open seats each election cycle are more prevalent now because of term limits, the number of open seats this year was enhanced because a number of members decided to opt out of seeking reelection. Republicans currently control the House 65-34 and the Senate 23-10.

On the policy side, we expect a busy start to the year. We understand that during the first few months of 2016, there will be a bill introduced that could significantly change the way licensure boards in Ohio are compromised, as well as how licensee discipline is administered. This is in response to a February 2015 U.S. Supreme Court decision out of North Carolina. In the six-to-three opinion, the Court ruled that the NC Dental Board was not immune from antitrust laws. The Court’s opinion explains that even though the Board is an agency of the state, its actions must still be supervised by the state in order to enjoy antitrust immunity. The Court concluded that “[w]hen a State empowers a group of active market participants to decide who can participate in its market, and on what terms, the need for supervision is manifest.” The bottom line from the North Carolina case is that it is an antitrust violation to have a majority of members of a professional board determine licensure or discipline for the other members of the profession.

In response to the U.S. Supreme Court opinion, the Ohio Senate is considering legislation regarding licensure boards and their ability to impose discipline on their peers. This effort is being spearheaded by Senator Bill Seitz. While no legislation has been drafted, three options are being considered:

1.         Have someone from the State – AG, Governor, etc. review all decisions of boards before they are effective.

2.         Change all boards’ structures so there is a plurality of members who are not among those being regulated. For example – Board of Dietetics – increase to 9 members and 6 would be “public members”, 3 would be licensees.

3.         Create a mega-board structure that would review all decisions (licensure and disciplinary) Maybe 3-4 of these each with subcommittees composed of the current boards.  The mega review board would include a plurality of non-professional members…the subcommittees could have a majority of professional members.

We are working on this issue with a coalition of other licensed professional and have a meeting planned for January 22nd. We are very interested to understand how GAC would like to see this important issue resolved.

We also expect the legislature will introduce and pass a capital budget bill early in 2016. As you may recall, the capital budget seeks to fund community “bricks and mortar” projects around the state with bond money. This year’s capital budget will be different than in years past based on a new process recently announced by the Chairs of the House and Senate Finance Committees. As you know, previously local regions created priority lists through their chambers of commerce and arts groups.  Now, there will be an application for capital funding, with a deadline of January 15th 2016, which will be submitted to individual local legislators. Then, those individual legislators will have until February 15th to rank all the projects submitted to them and decide which projects they will submit to the Finance committee chair for consideration for funding.

The application will address the following questions:

* Project name, and a *brief* description of the overall project
* Specific description of what the state capital dollars would be used for
* Physical location of the project (city or TWP, and the county)
* Entity or organization sponsoring the project
* Identification of the facility/asset owner
* Total project cost
* Amount of state funding requested for the FY 2017-18 capital biennium
* Amount and source of non-state funding
* The amount of state funding the project has received in the past
* Any additional information that would be of assistance in evaluating the project’s eligibility to receive state capital funding

Outside of the Legislature, we continue to work with our coalition of interested parties to identify the problem of staffing shortages for related services providers in Ohio schools. Our group met with ODE late in 2015 and asked them to conduct a survey on this issue. They indicated that, although they recognize this is a significant problem, they are unwilling to do a survey at this time. Accordingly, working with our coalition team, we put a survey together that will go to all public school and public charter schools for their completion; it focuses on each related service category, whether they have open positions, how long they’ve been open and how many kids they provide those services to. It will be able to identify shortages in real time in all geographic areas of the state. An excellent data collection team at the Muskingum Valley ESC has agreed to format, send, gather and analyze the survey. This survey will be an extraordinarily valuable tool for when we seek a solution on these issues in the legislature later this year. GAC needs to consider whether it is willing to share the cost for the survey.

Also in the administrative area, the Opportunities for Ohioans with Disabilities (OOD, formerly RSC) announced that it intends to continue paying for hearing aids in its BVR program at the *Medicaid children’s rate* until such time as it works through a process of revising its medical services fee schedule, beginning in April 2016. OOD has indicated that it intends to work with GAC in finding a good long term solution on this issue during that process. Accordingly, until further notice, hearing aids under BVR will be reimbursed at a maximum rate of $727.50 for monaural amplification and $1455 for binaural amplification.

Also of general note, income tax collections slumped against estimates and are 2.6% below projections for the fiscal year, according to the most recent figures released by the Office of Budget and Management. Nevertheless, other tax categories more than made up for the lagging income tax collections, as both the sales tax and commercial activity tax beat expectations by about 1% and 4% respectively. Overall, tax revenue for the month was about $12 million above original estimates. In addition, Ohio’s unemployment rate increased in November to 4.5%, compared to the 14-year low of 4.4% reported in October, according to Ohio Department of Job and Family Services’ most recent figures. Despite the slight increase, Ohio’s rate is well below the 5.2% increase that was reported a year ago.

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

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| **HB64** | **OPERATING BUDGET** (SMITH R) To make operating appropriations for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of state programs. | |
|  | ***Current Status:*** | 6/30/2015 - **SIGNED BY GOVERNOR**; Eff. 7/1/15 |
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| **HB89** | **MEDICAID SCHOOL PROGRAM** (DEVITIS A) Regarding the Medicaid School Program. | |
|  | ***Current Status:*** | 11/18/2015 - House Health and Aging, (Fifth Hearing) |
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| **HB98** | **CHILDHOOD APRAXIA OF SPEECH AWARENESS DAY** (BROWN T) To designate the fourteenth day of May as "Childhood Apraxia of Speech Awareness Day." | |
|  | ***Current Status:*** | 10/21/2015 - **REPORTED OUT**, Senate Health and Human Services, (Second Hearing) |
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| **HB109** | **STATE HEALTH BENEFIT EXCHANGE** (STINZIANO M, ANTONIO N) To create the Ohio Health Benefit Exchange. | |
|  | ***Current Status:*** | 4/28/2015 - House Insurance, (First Hearing) |
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| **HB157** | **HEALTH INSURANCE-MEDICAID** (BUTLER, JR. J, JOHNSON T) To revise the laws governing health insurance coverage, medical malpractice claims, the Medicaid program, health care provider discipline, and required and permitted health care provider disclosures; and to create the Nonstandard Multiple Employer Welfare Arrangement Program and to terminate that program after five years. | |
|  | ***Current Status:*** | 5/5/2015 - House Insurance, (Second Hearing) |
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| **HB184** | **MUSIC THERAPY LICENSING** (DOVILLA M, ANTONIO N) To require the licensure of music therapists and to require the State Medical Board to regulate the licensure and practice of music therapists. | |
|  | ***Current Status:*** | 6/16/2015 - House Commerce and Labor, (Second Hearing) |
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| **HB213** | **OCCUPATIONAL LICENSE RENEWAL** (BRINKMAN T) To make occupational licenses subject to annual renewal become biennial licenses and to permit a licensee to take continuing education courses online. | |
|  | ***Current Status:*** | 11/17/2015 - House Commerce and Labor, (Third Hearing) |
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| **HB372** | **EDUCATIONAL SERVICE PERSONNEL** (PHILLIPS D) To require city, exempted village, and local school districts to employ, for each 1,000 students, at least five full-time equivalent educational service personnel in specified areas. | |
|  | ***Current Status:*** | 10/26/2015 - Referred to Committee House Education |
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| **SB3** | **HIGH PERFORMING SCHOOL DISTRICT EXEMPTION** (HITE C, FABER K) To exempt high-performing school districts from certain laws; to revise the law regarding the administration of state primary and secondary education assessments; to permit school districts to contract with hospitals, health care professionals, and educational service centers for school health services; to revise the competitive bidding threshold for school building and repair contracts; and to require the School Facilities Commission to develop a legislative proposal assisting high-performing school districts in purchasing technology, building expansion, and physical alterations to improve school safety or security. | |
|  | ***Current Status:*** | 5/19/2015 - House Education, (Second Hearing) |
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| **SB17** | **MEDICAID ELIGIBILITY** (CAFARO C) To require 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:*** | 2/11/2015 - Senate Medicaid, (First Hearing) |
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| **SB32** | **MEDICAID COVERAGE-TELEMEDICINE** (TAVARES C) Regarding insurance and Medicaid coverage of telemedicine services. | |
|  | ***Current Status:*** | 3/25/2015 - Senate Medicaid, (First Hearing) |
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| **SB72** | **MEDICAID-PROMPT PAYMENT** (TAVARES C) To specify that the Ohio prompt payment law applies to payment of claims by Medicaid managed care organizations. | |
|  | ***Current Status:*** | 3/25/2015 - Senate Medicaid, (First Hearing) |
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| **SB86** | **NOT-FOR-PROFIT QUARTER AUCTIONS** (GARDNER R) To permit charitable organizations to conduct not-for-profit quarter auctions. | |
|  | ***Current Status:*** | 4/14/2015 - Senate Finance, (First Hearing) |
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| **SB90** | **HEALTH CARE WORKER-IDENTIFICATION** (TAVARES C) To require that a health care professional wear identification when providing care or treatment in the presence of a patient. | |
|  | ***Current Status:*** | 11/18/2015 - Senate Health and Human Services, (First Hearing) |
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| **SB94** | **MEDICAID SCHOOL PROGRAM** (BACON K, LEHNER P) Regarding the Medicaid School Program. | |
|  | ***Current Status:*** | 3/25/2015 - Senate Medicaid, (First Hearing) |
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| **SB98** | **HEARING AID-COVERAGE** (BROWN E) To require health insurers to offer coverage for hearing aids. | |
|  | ***Current Status:*** | 3/24/2015 - Senate Insurance, (First Hearing) |
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| **SB208** | **STATE INCOME TAX** (BEAGLE B) To make technical changes to the state income tax law, to modify the requirements for receiving the joint filing credit, and to provide that, for the 2015 taxable year, any taxable business income under $125,000 for married taxpayers filing separately or $250,000 for other taxpayers is subject to the graduated tax rates applicable to nonbusiness income, while business income in excess of those amounts remains subject to the existing 3% flat tax. | |
|  | ***Current Status:*** | 11/15/2015 - **SIGNED BY GOVERNOR**; Eff. 90 days |
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