



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

With the COVID-19 virus impacting almost every aspect of life in Ohio and the country, it is no surprise that business as usual in the Ohio General Assembly has come to a halt. The Legislature is mostly working from home, although the Ohio House has a session scheduled for next week. It will be interesting to see how they can do it and still follow the social distancing guidelines set by the Governor.

Governor DeWine and members of his administration have issued several orders to protect Ohioans as the number of confirmed COVID-19 cases has risen to 88. The orders have closed various businesses temporarily, delayed the primary election, and expanded access to unemployment benefits among other things. The Governor has a daily press conference at 2pm, which is accessible at www.ohiochannel.org. The Ohio Department of Health (ODH) has opened a public hotline on the coronavirus, COVID-19, which can be reached seven days a week from 9 a.m. to 8 p.m. The number is 1-833-4-ASK-ODH (1-833-427-5634). There is also a website at www.coronavirus.ohio.gov.

Ohio Medicaid is currently working on a batch of emergency rules to expand access to telehealth services in Ohio. The emergency rules are expected to expand which provider types can provide telehealth services, which services can be provided via telehealth, as well as how and where telehealth services can take place. We do not yet know exactly what will be in the new rules, but we know that ODM is considering allowing telehealth services by telephone. Currently telehealth services can only be provided by live synchronous video. We have reached out to Ohio Medicaid to remind them of our 2019 testimony supporting the expansion of telehealth services to include speech and hearing services provided by SLPs and audiologists. We are hopeful that they will consider including this in the emergency rules.

On the telehealth front federally, the Department of Health and Human Services (HHS) issued a Notification of Enforcement Discretion for telehealth remote communications during the COVID-19 nationwide public health emergency on March 17, 2020 (the “Notification”). The

Notification provides that effective immediately, the Office of Civil Rights (OCR) will exercise its enforcement discretion and will not impose penalties for noncompliance with the HIPAA rules against covered healthcare providers in connection with the good faith provision of telehealth during the COVID-19 emergency. This exercise of discretion applies to telehealth provided for any reason, regardless of whether the telehealth service is related to COVID-19.

As you know, healthcare providers that provide telehealth services are typically subject to numerous HIPAA requirements regarding the communications technologies used, including entering into business associate agreements with video communication vendors. The Notification provides that covered healthcare providers that want to use audio or video communication technology to provide telehealth to patients during the COVID-19 emergency can use any nonpublic facing remote communication product that is available. This includes applications that allow for video chats such as Apple FaceTime, Facebook Messenger, Google Hangouts, or Skype without risk that OCR might impose a penalty for noncompliance with HIPAA rules. HHS encourages providers to notify patients that these applications potentially introduce privacy risks, and providers should use all available encryption and privacy modes when using such applications. Healthcare providers may not use any public-facing remote communication product such as Facebook Live, Twitch, TikTok, and similar video communication applications.

Separately, the Ohio Department of Health (ODH) recently filed revisions to the Ohio Hearing Aid Assistance Program (OHAAP) rules. The rules are required to be reviewed every five years, and this is a part of that review. The rules (3701-45-01 to -04) include some important changes:

- Assistive listening devices are included for coverage under the program;
- Selection and adjustment services for the assistive listening devices were added for coverage;
- The word “permanent” was removed and the phrase “hearing disorder” was included; this allows eligible children with a “hearing loss” or “hearing disorder” to be eligible for hearing aids and other technology under the program.

Back in the legislative arena, once the General Assembly gets back on track under the new normal created by COVID-19, GAC will continue to work on priority legislation like HB 243 (hearing aid insurance coverage) and SB 238 (art and music therapy licensure) and others. One issue that GAC will have to consider is the recommendations made by the House State and Local Government Committee pursuant to the mandate created in SB 255 during the last general

assembly. That bill charged the committee with reviewing all licenses granted by the state and determine if they are necessary. In their report, the committee recommended that the ODE pupil services license be eliminated for related services providers, including SLPs and audiologists. The rationale for the recommendation is that the related services providers are already licensed by their own boards and do not need to get the second license from ODE. The proposal now moves to the Senate for consideration.

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

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)

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: 2/19/2020 - Senate General Government and Agency Review, (Fifth Hearing)