

Appendix 5

Ohio Dept. of Health Uncodified Law

3022

R048 440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000
TOTAL 090 Holding Account Redistribution Fund Group					
		\$	64,986	\$	64,986
Tobacco Master Settlement Agreement Fund Group					
5BX0 440656	Tobacco Use Prevention	\$	1,000,000	\$	1,000,000
TOTAL TSF Tobacco Master Settlement Agreement Fund Group					
		\$	702,038,677	\$	705,517,491
TOTAL ALL BUDGET FUND GROUPS					

SECTION 291.20. IMMUNIZATIONS

Of the foregoing appropriation item 440418, Immunizations, \$2,500,000 in fiscal year 2013 shall be used to purchase pneumococcal conjugate vaccines.

HIV/AIDS PREVENTION/TREATMENT

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives.

PUBLIC HEALTH LABORATORY

A portion of the foregoing appropriation item 440451, Public Health Laboratory, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases.

HELP ME GROW

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with Early Intervention funding from the Department of Developmental Disabilities, and in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children. The Department of Health shall enter into an interagency agreement with the Department of Education, Department of Developmental Disabilities, Department of Job and Family Services, and Department of Mental Health to ensure that all early childhood programs and initiatives are coordinated and school linked.

Of the foregoing appropriation item 440459, Help Me Grow, if a county

Family and Children First Council selects home-visiting programs, the home-visiting program shall only be eligible for funding if it serves pregnant women, or parents or other primary caregivers and the parent or other primary caregiver's child or children under three years of age, through quality programs of early childhood home visitation and if the home visitations are performed by nurses, social workers, child development specialists or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered. The home-visiting program also shall be required to have outcome and research standards that demonstrate ongoing positive outcomes for children, parents, and other primary caregivers that enhance child health and development, and conform to a clear consistent home visitation model that has been in existence for at least three years. The home visitation model shall be research-based; grounded in relevant, empirically based knowledge; linked to program-determined outcomes; associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program improvement; and have demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized, controlled, or quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal.

For fiscal year 2012, the Department of Health shall support a county's need for a transition period to meet expected service levels for the Help Me Grow Home Visiting Program and the Part C Program by distributing funds for home visiting through a subsidy agreement that allows the county Family and Children First Council discretion to use a percentage of those funds for Part C services, so long as the services are provided in accordance with the "Individuals with Disability Education Act," 118 Stat. 2744 (2004), 20 U.S.C. 1431 et seq. and section 3701.61 of the Revised Code. The county Family and Children First council may use up to one hundred per cent of the funds allocated for the first quarter, with decreasing percentages determined by the Department of Health for the remaining quarters of fiscal year 2012, for Part C services.

The foregoing appropriation item 440459, Help Me Grow, may also be used for the Developmental Autism and Screening Program.

FEDERALLY QUALIFIED HEALTH CENTERS

For fiscal year 2012, any undisbursed funds previously provided under subsidy agreements between the Department of Health and the Ohio Association of Community Health Centers, or its predecessor organization,

pursuant to section 183.18 of the Revised Code, shall be available to federally qualified health centers in the same manner as those funds in appropriation item 440465, Federally Qualified Health Centers.

TARGETED HEALTH CARE SERVICES OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMH) participants for the Cystic Fibrosis Program.

The Department shall expend all of these funds.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND

The Director of Budget and Management may transfer up to \$551,018 in cash from the Liquor Control Fund (Fund 7043) to the Alcohol Testing and Permit Fund (Fund 5C00) in fiscal year 2012 to meet the operating needs of the Alcohol Testing and Permit Program.

The Director of Budget and Management may transfer up to \$551,018 in cash in fiscal year 2012 to the Alcohol Testing and Permit Fund (Fund

5C00) from the Liquor Control Fund (Fund 7043) created in section 4301.12 of the Revised Code determined by a transfer schedule set by the Department of Health.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM

On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management may transfer, cash from the Resident Protection Fund (Fund 4E30), which is used by the Ohio Department of Job and Family Services, to the Nursing Facility Technical Assistance Program Fund (Fund 5L10), which is used by the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall be up to \$698,595 in each fiscal year of the biennium.

GENERAL REVENUE FUND TRANSFER TO THE TOBACCO USE PREVENTION FUND

On July 1, 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$500,000 cash from the General Revenue Fund to the Tobacco Use Prevention Fund (Fund 5BX0), used by the Department of Health.

SECTION 291.30. EARLY INTERVENTION WORKGROUP

(A) The Department of Health shall convene a workgroup to develop recommendations for eligibility criteria for early intervention services to be provided pursuant to Part C of the "Individuals with Disability Education Act," 118 Stat. 2744 (2004), 20 U.S.C. 1431 et seq. The recommendations shall be based on available funds and national data related to the identification of infants and toddlers who have developmental delays or are most at risk for developmental delays and, in either case, would benefit from early intervention services.

(B) The workgroup shall be facilitated by the Department and shall be composed of all of the following members:

- (1) A representative from the Department of Developmental Disabilities;
- (2) A representative from the Department of Education;
- (3) A representative from the Department of Mental Health;
- (4) A representative from the Help Me Grow Advisory Council;
- (5) A parent member of the Help Me Grow Advisory Council;

(6) A representative from the Ohio Family and Children First Cabinet Council;

(7) A representative from the Ohio Family and Children First Association;

(8) A county Help Me Grow project director;

(9) A representative from the Ohio Council of Behavioral Health and Family Services Providers;

(10) A representative from the Ohio Association for Infant Mental Health;

(11) A representative from the Ohio Association of County Boards of Developmental Disabilities;

(12) A representative from the Ohio Superintendents of County Boards of Developmental Disabilities;

(13) A representative from the Ohio chapter of the American Academy of Pediatrics;

(14) A public health nurse from a board of health of a city or general health district, or an authority having the duties of a board of health;

(15) A representative from the Department of Job and Family Services;

(16) The executive director of the Ohio Developmental Disabilities Council or the director's designee;

(17) A representative of the County Commissioners Association of Ohio.

(C) The Department shall convene the workgroup not later than July 15, 2011. The workgroup shall present to the Director of Health its recommendations for eligibility criteria for Part C early intervention services not later than October 1, 2011. After the recommendations are submitted, the Director may accept the recommendations in whole or in part and implement eligibility criteria accordingly.

SECTION 291.40. CERTIFICATE OF NEED FOR NEW NURSING HOME

(A) As used in this section:

"Nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code.

"Population" means that shown by the 2000 regular federal census.

(B) The Director of Health shall accept, for review under section 3702.52 of the Revised Code, a certificate of need application for the establishment, development, and construction of a new nursing home if all of the following conditions are met:

(1) The application is submitted to the Director not later than one

hundred eighty days after the effective date of this section.

(2) The new nursing home is to be located in a county that has a population of at least thirty thousand persons and not more than forty-one thousand persons.

(3) The new nursing home is to be located on a campus that has been in operation for at least twelve years and both of the following are also located on the campus on the effective date of this section:

(a) At least one existing residential care facility with at least twenty-five residents;

(b) At least one existing independent living dwelling for seniors with at least seventy-five residents.

(4) The new nursing home is to have not more than thirty beds to which both of the following apply:

(a) All of the beds are to be transferred from an existing nursing home in the state.

(b) All of the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code.

(C) In reviewing certificate of need applications accepted under this section, the Director shall neither deny an application on the grounds that the new nursing home is to have less than fifty beds nor require an applicant to obtain a waiver of the minimum fifty-bed requirement established by division (I) of rule 3701-12-23 of the Administrative Code.

SECTION 291.50. EXEMPTION FROM CERTIFICATE OF NEED REQUIREMENT

(A) As used in this section:

"2010 bed need determination" means the determination of each county's bed need that the Director of Health made in calendar year 2010.

"Bed need" means the number of long-term care beds that a county needs as determined by the Director of Health pursuant to division (B)(3) of section 3702.593 of the Revised Code.

"Bed need excess" means that a county's bed need is such that one or more long-term care beds could be relocated from the county according to the 2010 bed need determination and regardless of any subsequent bed need determination.

"Bed need shortage" means that a county's bed need is such that one or more long-term care beds could be relocated into the county according to the 2010 bed need determination and regardless of any subsequent bed need determination.

"Bed need shortage quantity" means the number of long-term care beds

that could be relocated into a county with a bed need shortage according to the 2010 bed need determination and regardless of any subsequent bed need determination.

"Existing bed" means a county home bed that is used, or available for use, for skilled nursing care by a resident of the county home on the effective date of this section.

"Skilled nursing care" has the same meaning as in section 3721.01 of the Revised Code.

(B) Notwithstanding sections 3702.51 to 3702.62 of the Revised Code and until January 1, 2014, a county home is not required to obtain a certificate of need to obtain Medicare or Medicaid certification for one or more of the county home's existing beds if all of the following apply:

- (1) The county home is located in a county that has a bed need shortage.
- (2) No county that borders the county in which the county home is located has a bed need excess or bed need shortage.
- (3) The number of the county home's existing beds for which Medicare or Medicaid certification is sought does not exceed the bed need shortage quantity of the county in which the county home is located and the county home obtains Medicare or Medicaid certification for those existing beds not later than December 31, 2013.

SECTION 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Agency Fund Group

4610 372601	Operating Expenses	\$	12,500	\$	12,500
TOTAL AGY Agency Fund Group		\$	12,500	\$	12,500
TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500

SECTION 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

General Revenue Fund

GRF 148100	Personal Services	\$	230,000	\$	230,000
GRF 148200	Maintenance	\$	50,000	\$	50,000
GRF 148402	Community Projects	\$	37,005	\$	44,922
TOTAL GRF General Revenue Fund		\$	317,005	\$	324,922

General Services Fund Group

6010 148602	Gifts and Miscellaneous	\$	4,558	\$	4,558
TOTAL GSF General Services Fund Group		\$	4,558	\$	4,558
TOTAL ALL BUDGET FUND GROUPS		\$	321,563	\$	329,480