

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE: 11/25/2019**

**TIME: 10:00 AM**

**LOCATION: Room 3110B, Rhodes State Office Tower, 30 East Broad St., Columbus, Ohio 43215**

Pursuant to sections 3119.51, 3125.03, and 3125.25 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

The following Ohio Administrative Code (OAC) rules are being proposed for amendment as a result of a review conducted in accordance with section 106.03 of the Revised Code (ORC), which requires five-year reviews of all state agency rules and to comply with H.B 166 of the 133<sup>rd</sup> General Assembly.

- Rule 5101:12-45-10, "Calculation of the Support Obligations, " describes the procedures for the child support enforcement agency (CSEA) to use when calculating or adjusting the child support and cash medical support obligations contained within a child support order. Changes to this rule include: removing language in paragraph (D)(5) that a parent shall not have imputed income or be determined to be voluntarily unemployed or underemployed when incarcerated for an offense that is related to abuse or neglect to the child or obligee of the support order, adding new paragraph (E) to remove "incarceration" from "institutionalized", adding the definition for "Incarcerated" to paragraph (E), and adding the amended language in ORC 3119.05, updating the ORC references in paragraphs (F) and (G), and revising language in paragh (K) to "health care coverage".
- Rule 5101:12-45-99, "Chapter 5101:12-45 Forms – Support Establishment," contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-45 of the Administrative Code. Changes to this rule include: amending the revision dates for the JFS 07719 and the JFS 07724 and removing the language in paragraphs (A), (C), and (D) that contained multiple revision dates based on a specific time period and moving the revision date to the end of the form name.
- Rule 5101:12-47-01, "Medical Support Definition," defines terms used throughout division 5101:12 of the Administrative Code. Changes to this rule include: adding definitions of "health care coverage" and "health insurance coverage" to comply with H.B. 166, removing the word "private" from "health insurance coverage" in new paragraph (H), revising language in new paragraph (I)(1) by replacing "private health insurance coverage" with "health care coverage" that will match the language in rule 5101:12-60-05(B)(1)(d)(i), and clarifying the definition in paragraph (K).

- Rule 5101:12-47-02, "Medical Support Provisions," describes an action or proceeding in which a CSEA issues or modifies a child support order. Changes to this rule include: adding the words "health insurance" in front of the word "coverage" in paragraph (B)(1)(c), removing the word "private" in paragraphs (D) and (E) and revising the language to be consistent with H.B. 166 to be consistent with the new definitions of "health insurance" and "health care coverage", adding new paragraph (F) from OCS 3119.30(F), and updating paragraph references in new paragraphs (I) and (J).
- Rule 5101:12-50-50, "Judicial Enforcement Actions," describes the judicial enforcement actions that a child support enforcement agency (CSEA) with administrative responsibility is required to or may take in addition to other enforcement actions. Changes to this rule include: Adding criteria in new paragraph (D), that a child support enforcement agency (CSEA) must meet prior to the CSEA submitting a case for contempt and a requirement that the CSEA notify the obligor that the purpose of the hearing is to determine their ability to pay the child support.
- Rule 5101:12-57-01.1, "Enforcement of Order to Report Private Health Insurance," describes the requirements of a CSEA regarding the enforcement of an order to report the availability of private health insurance. This rule applies only to child support orders issued or modified in accordance with section 3119.30 of the Revised Code as adopted under Amended Substitute House Bill 119 of the 127th General Assembly. Changes to this rule include: moving the language "prior to March 28, 2019" to the beginning of paragraph (A) for consistency purposes.
- Rule 5101:12-57-01.2, "Enforcement of Cash Medical Support Obligation," describes the requirements of a CSEA during any period in which an obligor is ordered to pay cash medical support because private health insurance coverage for the child as ordered is no longer available to the health insurance obligor. Changes to this rule include: moving the language "prior to March 28, 2019" to the beginning of paragraph (A) for consistency purposes.
- Rule 5101:12-57-08, "Medical Support Mistake of Fact Hearing Process," describes procedures for the medical support mistake of fact hearing process that is only available to an individual whose child support order was issued or modified in accordance with section 3119.30 of the Revised Code as adopted under Amended Substitute House Bill 119 of the 127th General Assembly. Changes to this rule include: adding date reference language "prior to March 28, 2019" to paragraph (A), to reflect the prior Revised Code law in effect, ORC 3119.30 and for consistency purposes.
- Rule 5101:12-57-10, "National Medical Support Notice," This rule describes the content and purpose of the National Medical Support Notice (NMSN), the requirements for issuing the NMSN, the purpose of the JFS 03377, "Employer/Health Plan Administrator Health Insurance Verification Request" and the JFS 04036, "Notice of Medical Support Enforcement Activity," and the alternative action required by the CSEA when the health insurance obligor is an active member of the military. Changes to this rule include: removing the "rev." in the parenthesis from paragraph (D)(2) and restructuring of paragraph (E) and adding an additional reason not to issue the NMSN in paragraph (E)(2).

- Rule 5101:12-57-10.4, "Administrative Mistake of Fact Hearing Regarding the National Medical Support Notice," describes the reasons a health insurance obligor may request an administrative mistake of fact hearing, the time frame and method of submitting the request, the hearing process, and the health insurance obligor's right to object to the child support enforcement agency (CSEA) decision by filing with the court. Changes to this rule include: adding language to paragraph (B)(4) to clarify that a health insurance obligor may request an administrative mistake of fact hearing to assert that the coverage identified in the NMSN is not consistent with the medical support provision in the child support order and adding paragraph (B)(5) as an additional reason for a parent to object to the NMSN and request a mistake of fact hearing, when health care coverage is a provision of the order and public health care is in place.
- Rule 5101:12-57-10.6 "Terminating the National Medical Support Notice," describes the circumstances under which a child support enforcement agency (CSEA) may terminate the national medical support notice. Changes from rescinded rule 5101:12-57-10.6 include: Moving paragraphs (A), (B), (C), and (D) under new paragraph (A) and renumbering them to (1), (2), (3) and (4), correcting the form name in paragraph (A), adding new reason (A)(5) as a requirement for when a CSEA shall issue the JFS 04098, and adding new paragraph (B) as a requirement on when the CSEA may issue a JFS 04098.
- Rule 5101:12-60-05, "Administrative Review and Adjustment Process," describes the administrative review and adjustment process. Changes to this rule include: removing language "private health insurance coverage" and replacing it with "health care coverage" in paragraph (B)(1)(d)(i) and adding language "individual or entity" and "or physical" to paragraph (B)(8).
- Rule 5101:12-60-05.1, "Initiating of an Administrative Review," describes the criteria to initiate an administrative adjustment review. Changes to this rule include: removing the word "private" from paragraph (B), replacing the word "insurance" with "care" in paragraph (B), removing "or incarceration" from paragraph (E)(5), adding new requirement about when a party is incarcerated for more than one hundred eighty calendar days in paragraph (E)(6), adding the definition of "Incarcerated" to paragraph (E)(6), revising the language to "health insurance" in paragraphs (E)(10), (11) and (12), when a request for the review is less than 3 years old and "health insurance" is a factor and removing the reference to ORC 3119.30 in paragraph (E)(12).
- Rule 5101:12-60-99, "Chapter 5101:12-60 Forms – Order Administration," This rule contains a compilation of forms within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-60 of the Administrative Code. Changes to this rule include: amending the revision dates for the JFS 00592, JFS 01849, JFS 01867, JFS 07049, JFS 07606 and removing the language in paragraphs (B) and (J) that contained had multiple revision dates based on a specific time period and moving the revision date to the end of the form name.

Copy of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>.

A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for copies of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).