



ALERTS

Ohio Passes Bill To Address Disruptions Caused By COVID-19

March 25, 2020 | [Columbus](#)

The Ohio General Assembly on March 25 passed Sub HB 197, which included an [emergency omnibus amendment](#), in order to continue essential operations of state government, maintain the continuity of the state tax code, and respond to the declared pandemic and global health emergency related to COVID-19. Previously, the state had issued a [Stay at Home Order](#) and a [State of Emergency Order](#).

Included in the omnibus amendment are the following provisions:

Consumer Protections Based on Economic Hardships Caused by COVID-19

- Prohibits public water disconnections during the pandemic since they are not governed by Public Utilities Commission of Ohio non-disconnect orders (severability clause for sun-setting the amendment to the earlier of Dec. 1, 2020, or the rescission of the governor's March 9 executive order)

Regulatory/Licensure Relief for Workforce

- Suspends the staff to child ratio requirements and maximum group sizes at child care centers (severability clause for sunseting the amendment to the earlier of Dec. 1, 2020, or the rescission of the governor's March 9 executive order).
- Extends the validity of licenses issued by state agencies and political subdivisions and provides a 90-day window for renewal. Still allows for disciplinary actions during this time (severability clause for sunseting the amendment to the

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earlier of Dec. 1, 2020, or the rescission of the governor's March 9 executive order).

- Grants certified registered nurse anesthetists (CRNAs), under certain conditions, the authority to perform additional duties or services related to anesthesia care, including ordering and administering drugs and IV fluids, ordering diagnostic tests and directing nurses to administer drugs. This is a permanent law change.
- Allows for recent nursing graduates to obtain a temporary license to practice prior to passing the licensure examination. Temporary licenses expire either 90 days after the duration of the COVID-19 emergency or 90 days after Dec. 1, 2020, whichever comes sooner.
- Gives the Director of Medicaid additional flexibility to support the healthcare workforce and providers during this time of crisis. Additional program flexibility is necessary to avoid a significant workforce shortage and patient provider access shortages at the end of the COVID-19 emergency. Drafted for future cases up to six months. Temporary provision expires Dec. 1, 2020.
- Delays the requirement that child care centers participate in Step Up to Quality in order to receive public funding from July 1, 2020, to Sept. 1, 2020
- Allows recently retired state employees to be rehired. This is limited to the following agencies: DRC, DYS, MHA, DVS and DDD (severability clause for sunseting the amendment to the earlier of Dec. 1, 2020, or the rescission of the governor's March 9 executive order)

Educational Provisions

- Exempts schools and other entities from food processing requirements to allow for continued student meal delivery (severability clause for sunseting the amendment to the earlier of Dec. 1, 2020, or the rescission of the governor's March 9 executive order)
- Permits school districts, STEM schools, and community schools other than e-schools, and chartered nonpublic schools to use distance learning to make up for any missed days or hours of instruction caused by the ordered closure of Ohio schools
- Waives state testing and report cards for the 2019-2020 school year and creates a safe harbor from sanctions for schools; permits seniors to graduate if school determines on track to do so prior to the COVID-19 emergency; local school determine promotion for Third-Grade Reading Guarantee; makes evaluations permissive and prohibits the use of value-added data; excludes academic performance data from being used in sponsor ratings this year; allows chancellor and state superintendent to waive College Credit

Plus timelines and requirements during the COVID-19 emergency.

- Limits the number of Ed Choice designated school buildings for the 2020-21 school year to those buildings previously eligible in the 2019-20 school year; allows siblings of current scholarship recipients, incoming kindergarten students, and rising high school students to receive a performance-based scholarship for the 2020-21 school year if the building they attend or would attend meets these criteria.
- Allows licensed special education providers to utilize tele-health and electronic communication methods to serve students who are receiving special education services through their school district or through the Autism Scholarship or Jon Peterson Special Needs Scholarships (severability clause for sunseting the amendment to the earlier of Dec. 1, 2020, or the rescission of the governor's March 9 executive order)

Ohio Open Meetings and Public Records Act Accommodations

- Permits state boards and commissions, local and county governments, and higher education boards to operate meetings electronically so long as the public is aware and can participate electronically (severability clause for sunseting the amendment to the earlier of Dec. 1, 2020, or the rescission of the governor's March 9 executive order)

State Fiscal Measures

- \$20 million (non-GRF) fund shift for Ohio Department of Administrative Services operation of state agency capital facility projects. Money to be repaid after upcoming bond sale.
- Allows Ohio Department of Jobs & Family Services to continue making payments to publicly funded child care providers during the emergency – all this is done within existing appropriations – and is done to maintain the system so it may quickly return to full operation
- Allows a transfer (subject to controlling board) from the Budget Stabilization Fund in order to balance the FY 20 books. Additionally, requires at least two votes from each chamber to approve such a request
- Allows Ohio Public Works Commission, Ohio Water Development Authority and Ohio Environmental Protection Agency to waive penalties and fees from outstanding loans and provides for additional flexibilities. Temporary provision expires Dec. 1, 2020.

Tax Changes

- Makes several changes, all due to the federal government's move, and extends the state tax filing deadline from April 15

to July 15:

- Extends date for estimated payments
- Waives interest payments (penalties already able to be waived)
- Not withstands the “20-day rule” under municipal income tax for employees working from home during the health emergency plus 30 days
- Extends due date of the state-administered municipal net profit tax

Miscellaneous Changes to Account for Disruptions Caused By Social Distancing Requirements

- Temporary law that tolls statute of limitations for criminal and civil cases and administrative acts that would expire between March 9 and July 30, 2020.
- Allows public retirement system boards to delay board member elections until Dec. 1, 2020. This applies to all state pension systems: OPERS, OP&F, STRS, SERS, OSHP
- Provides an extra 45 days for a county central committee to fill a vacancy. Current law is 45 days. This is a temporary law change and not permanent law.
- Allows the Auditor of State to waive certain requirements regarding procedure audits if the audit period overlaps this health emergency
- Specifies that all county offices required to transfer property and process titles that aren't made available online must remain open. Suspends a provision of law regarding liability of a county recorder for failure to perform certain duties.
- Extends absentee voting by mail for the March 17, 2020, primary election to April 28, 2020, authorizes \$7 million (from emergency purposes fund) to pay associated costs.

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