



## Ohio Administrative Code

### Rule 5101:12-1-85 Statewide genetic testing contract.

Effective: May 1, 2014

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(A) The Ohio department of job and family services (ODJFS) may enter into a contract with a laboratory that performs legally and medically acceptable genetic testing (hereinafter referred to as "contractor") to perform genetic testing in IV-D cases.

ODJFS shall provide a list of laboratories that perform legally and medically acceptable genetic testing upon the request of a court, law enforcement official, child support enforcement agency (CSEA), or a member of the public.

(B) A CSEA may participate in the statewide genetic testing contract (hereinafter referred to as "contract") by contacting the contractor to initiate services. Participation in the contract does not preclude the CSEA from contracting with another laboratory to perform genetic testing.

(C) ODJFS shall pay the cost of genetic testing performed under the contract when the cost of genetic testing for the case is eligible for federal financial participation (FFP) and:

(1) There is not a final and enforceable determination of paternity, as described in paragraph (A)(6) of rule 5101:12-40-05 of the Administrative Code;

(2) A JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), was signed by the mother and father and an action was filed to rescind the JFS 07038 within sixty days of the signing of the JFS 07038, in accordance with paragraph (C) of rule 5101:12-40-17 of the Administrative Code; or

(3) There is a final and enforceable determination of paternity and:

(a) An action was brought, pursuant to section 3111.28 of the Revised Code, by a man presumed to be the father of the child who did not sign the JFS 07038, either person who signed the JFS 07038, or a guardian or legal custodian of the child no later than one year after a JFS 07038 becomes final to



rescind the JFS 07038 and the CSEA receives a court order to conduct genetic testing;

(b) A court has ordered the CSEA to conduct genetic testing as a result of one of the parties filing a motion under rule 60(B) (7/1/1970) of the Rules of Civil Procedure; or

(c) A person has filed a motion for relief from a determination of paternity or a support order in accordance with section 3119.961 of the Revised Code and:

(i) The CSEA has intervened in the action in order to defend the original paternity determination or the child support order; or

(ii) The CSEA receives a court order to conduct genetic testing.

(D) Invoice procedures.

(1) Each month, the contractor is required to submit an invoice to each CSEA for whom the contractor completed genetic testing or conducted partial testing. "Completed genetic testing" means the contractor issued genetic testing results on a case. "Partial testing" means the contractor could not complete genetic testing for a case because genetic testing samples for all the necessary parties were not received by the laboratory.

(2) Within five business days of receipt of the invoice, the CSEA shall review, sign, and mail or electronically transmit a facsimile of the invoice, along with any attachments, to the contractor.

(3) When there is a discrepancy on the invoice, the CSEA shall note the discrepancy and any necessary adjustment to the total amount billed on the invoice. A discrepancy exists when:

(a) The cost of completed genetic testing or partial testing was included on the invoice on a case that did not meet the requirements described in paragraph (C) of this rule; or

(b) Completed genetic testing was approved for payment in a previous invoice.

A CSEA that fails three times within the contract period to return the invoice to the contractor within



five business days of receipt may be removed from participation in the contract for the remainder of the contract period. ODJFS shall notify the CSEA thirty days in advance of such removal.

(4) The contractor shall submit a final invoice and copies of approved or adjusted invoices and any attachments received from the CSEA to ODJFS.

(5) ODJFS shall pay the final invoice amount.

(E) The CSEA shall be responsible for paying for completed genetic testing or partial testing that was performed at the CSEA's request and did not meet the requirements described in paragraph (C) of this rule.

(F) When reimbursement is received for genetic testing costs that were paid or will be paid by ODJFS, the CSEA shall ensure that the collection is disbursed to ODJFS. A CSEA that fails to ensure the proper disbursement of such collection may be removed from participation in the statewide genetic testing contract for the remainder of the contract period. ODJFS shall notify the CSEA thirty days in advance of such removal.

When reimbursement is received for genetic testing costs for which the CSEA paid the local share on or after October 1, 2006, the CSEA may recover the local share. In order to recover the local share the CSEA shall track such collections and report the collections to ODJFS on a monthly basis in the format designated by ODJFS. ODJFS shall make the appropriate financial adjustments.

(G) When a CSEA has been prohibited from participating in the contract, the CSEA shall secure a local genetic testing contract.