

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-39-02.8

**Rule Type:** Amendment

**Rule Title/Tagline:** ODA provider certification: homemaker.

**Agency Name:** Department of Aging

**Division:**

**Address:** 246 N. High St. 1st floor Columbus OH 43215-2046

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 1/18/2022
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 121.07, 173.01, 173.02, 173.391, 173.52, 173.522, 173.54, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.52, 173.522; 42 CFR 441.352
6. **What are the reasons for proposing the rule?**

Each rule in Chapter 173-39 primarily exists to comply with section 173.391 of the Revised Code, which requires ODA to adopt rules to establish the requirements and standards for certified providers.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes the requirements to become, and to remain, an ODA certified provider of homemaker.

ODA proposes to amend this rule to achieve the following:

1. 1. Give providers the following flexibilities during a state of emergency declared by the governor or a federal public health emergency: (A) Flexibility to conduct the initial supervisor's visit by telephone, video conference, or in person. (B) Flexibility to conduct subsequent supervisor's visits by telephone, video conference, or in person, depending upon the individual's needs, but only if at least two of the supervisor's visits per year are conducted in person. (C) Flexibility to verify that they have conducted initial and subsequent visits without collecting a unique identifier of the individual or the individual's caregiver.

2. Add a definition of "aide."

3. Move the service-verification requirements from (B)(3) to (B)(7) so that it occurs in a location similar to the other service rules in the same chapter.

4. Combine the first 4 ways that a person may qualify to be an aide into "The person meets at least one of the qualifications to be a PCA underâ |" since they are identical to the requirements to qualify to be a PCA.

5. No longer require the verification of training to include a list of instruction materials or the signatures of the trainer and tester.

6. Require service-verification records to include the individual's name.

7. Replace words that imply requirements for outdated modes of communication or in-person interaction (e.g., "document") with other words (e.g., "retain records"), or indicate that certain written requirements may also be done electronically.

8. Replace the 93-day deadline for conducting subsequent supervisor visits with a 90-day deadline.

ODA also proposes to make non-substantive amendments to this rule.

**8. Does the rule incorporate material by reference? No**

**9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Adopting the proposed amendments to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Adopting the proposed amendments to this rule will not create a cost of compliance to any directly-affected person or organization.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

## **III. Common Sense Initiative (CSI) Questions**

- 16. Was this rule filed with the Common Sense Initiative Office? Yes**

- 17. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

Providers voluntarily apply for ODA certification. Certification is not required to provide a service unless a provider wants a government program that requires certification (e.g., the PASSPORT Program) to pay the provider. Please review the BIA for additional information.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This rule requires ODA-certified providers of homemaker to hire qualified staff (e.g., aides and aide supervisors) and to retain records to verify that the provider provided the episodes of homemaker for which it bills.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding? 0**

- B. How many existing regulatory restrictions do you propose removing? 3**

1. (B)(3) [now (B)(7)] The record SHALL include...

2. (B)(3) [now (B)(7)] A provider that does not utilize an electronic verification system to document services and keep records SHALL also obtain the individual's signature for each episode of service.

3. (B)(6)(a)(ii) [now (B)(5)(a)(ii)] ...and the documentation SHALL include...