

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:

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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?** 10/26/2020
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
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.52, 173.522; 42 C.F.R. 441.352
6. **What are the reasons for proposing the rule?**

ODA proposes to amend this rule as part of a larger rule package of rules from Chapter 173-39 of the Administrative Code that implements amendments related to the COVID-19 state of emergency and other matters.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes the requirements for any provider of homemaker who wants to be certified by ODA.

ODA proposes to amend this rule to do the following:

On June 11, 2020, ODA also adopted an emergency amendment to the definition of "homemaker" in this rule. The amendment temporarily gave providers flexibility to consider errands outside the presence of the individual (e.g., picking up a prescription) as part of "homemaker." ODA proposes to adopt this amendment on an ongoing basis.

On June 11, 2020, ODA temporarily amended the supervisory requirements to allow subsequent supervisor visits to occur by telephone, video conference, or in person, rather than only in person. Through this rule package, ODA proposes to adopt this amendment on an ongoing basis.

Insert ", when authorized in a person-centered services plan" after "Homemaker activities include the following" in paragraph (A) of the rule, ODA proposes to insert. ODA also proposes to delete "as authorized by their case manager" from the same paragraph. This amendment will align the definition with the person-centered planning requirements in rule 5160-44-02 of the Administrative Code.

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.**

ODA made a revised filing of this rule to replace "Wednesday" with "Monday" on the public hearing notice. In doing so, ODA did not revise the rule.

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

ODA's proposed amendment of this rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

ODA's proposed amendment of this rule will create no new cost of compliance to the providers affected by this rule. Instead, it will give providers flexibility to maintain social distancing. For more information, please review the business impact analysis.

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

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 providers to comply with requirements that are common to providers of homemaker, including verifying that they provided the

homemaker activities for which they bill ODA. For more information, please review the business impact analysis.

- 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?** 1

(B)(7)(b) ...and SHALL include the signature of the individual and the homemaker supervisor or the electronic signature of the homemaker supervisor.