

**Department of  
Aging**

**John Kasich**, Governor  
**Bonnie Kantor-Burman**, Director

## NOTICE

Section 119.03 of the Revised Code requires ODA to conduct a public hearing to obtain comments concerning ODA's proposed news regarding **personal care service scheduling**. ODA will conduct the hearing on **Monday, May 16, 2011** in Conference Room **10A** of the Department's offices at 50 W. Broad Street, **10th** floor; Columbus, OH 43215. The hearing will begin at **2:00PM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

ODA proposing to adopt new rule 173-39-02.21 of the Administrative Code and to amend rule 173-39-05 of the Administrative Code. In doing so, ODA has 4 primary goals:

1. To keep consumers who receive a personal care service safe [a] from an overworked consumer-directed personal care provider who may, without the proposed scheduling limitations, seek employment from more than five consumer-employers per week, try to work more than 40 hours per week for one consumer, or try to work for 2-5 consumer-employers for more than 56 hours per week; or [b] from an agency provider that may, without the proposed scheduling limitations, accept a referral to provide a consumer with a personal care service, but not have the staff capacity to furnish the total number of hours the consumer's case manager requests for the consumer.
2. To keep consumers who direct a consumer-directed personal care provider from paying overtime, because the proposed rule prohibits a consumer-directed provider from working for more than forty hours per week for any individual consumer who employs them.
3. To make certain that the rule on sanctions, rule 173-39-05 of the Administrative Code, references proposed new rule 173-39-02.21 of the Administrative Code so that ODA may sanction a provider that does not comply with the new rule. ODA is amending this rule in response to a question raised by the Ohio Council for Homecare and Hospice during the public-comment period for this rule.
4. To draft, to the degree that the subject matter permits, a common-sense, plain-English rule that complies with Executive Order 2011-01K "Establishing the Common Sense Initiative."

Any person may direct comments or questions concerning ODA's rule proposal to the rules manager at [rules@aging.oh.us](mailto:rules@aging.oh.us).

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