



Department of
Aging

John Kasich, Governor
Stephanie M. Loucka, Director

NOTICE of 2nd PUBLIC HEARING

ODA PROVIDER CERTIFICATION: SHARED LIVING

On November 22, 2016, the Ohio Dept. of Aging (ODA) temporarily halted¹ the development of the rule to offer the Joint Medicaid Oversight Committee (JMOC) an opportunity to consider the impact of offering shared living to the Medicaid system before more progress is made on developing the rule.

ODA now proposes to resume rule development. As refiled, the proposed new rule contains changes addressing concerns raised in testimony offered at ODA's public hearing on November 21, 2016:

1. ODA proposes to amend definitions to correctly delineate between "continuous" and "occasional." Accordingly, ODA made the following changes:
 - a. ODA replaced the definition of "continuous" with "continuous presence of another person," and defined the latter as "continuous access to formal or informal services and supports necessary to assure the individual's health and safety as identified through the person-centered planning process.
 - b. ODA replaced the definition of "occasional" with "occasional presence of another person," and defined the latter as "occasional access to formal and informal services and supports necessary to assure the individual's health and safety as identified through the person-centered planning process."
 - c. ODA replaced "continuous" with "occasional" in the definition of "Level I."
 - d. ODA replaced "occasional" with "continuous" in the definition of "Level II."
2. In (C)(2)(c)(ii)(b), ODA now proposes basing continuing-education requirements for Level II shared-living caregivers on anniversary dates on which the caregiver began providing shared living to the individual instead of on anniversary dates of hire. This corresponds with language previously incorporated into the rule for Level I shared-living caregivers and makes the basis for continuing education uniform for Level I and Level II.

ODA also proposes to make the following technical amendments:

1. In the definition of "assessment instrument" in (A)(1), ODA proposes to replace "needs twenty-four-hour support, as defined in rule 5160-3-05 of the Administrative Code" with "qualifies for level II shared living."
2. In the definition of "caregiver coach," ODA proposes to replace "ensuring" with "assuring."

¹ ODA made a to-be-refiled filing with JCARR, which temporarily halts the development of a rule.

3. In the definition of "home," ODA proposes to delete "who" as it occurred between "individual" and "enrolled."
4. ODA proposes to add a period to the end of the definition of "Occasional presence of another person."
5. ODA proposes to delete (C)(2)(e) because OAC173-39-02 already covers records-retention requirements and there is no sufficient reason to duplicate the requirement in this rule.

To give interested parties another opportunity to testify on the proposed new rule, ODA will conduct a 2nd public hearing at the following place and time:

**Ohio Department of Aging
246 N. High St., 1st Floor
Room 1149 (Training Room)
Columbus, OH 43215**

**Wednesday, April 12, 2017
11:00AM**

Any person may participate in the public hearings. To submit written testimony to ODA regarding the rule projects in lieu of presenting written testimony in person, please email the written testimony to ODA's policy development manager, Tom Simmons, at tsimmons@age.ohio.gov **before** Wednesday, April 12, 2017.

Participants may find area parking at street meters and area parking garages. The parking meters on Chestnut St. accept debit and credit cards and cost \$1.50 per 2 hours. The [Chestnut Street Garage](#) at 44 E. Chestnut St. is across the street from the side of 246 N. High St.