



PUBLIC HEARING NOTICE

ODA PROVIDER CERTIFICATION: ENHANCED COMMUNITY LIVING

ODA will conduct a 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, September 20, 2017
10:00AM**

The purpose of the hearing is to give interested parties an opportunity to comment upon ODA's proposed amendments to OAC173-39-02.20, which are described below.

OVERVIEW

OAC173-39-02.20 regulates providers when they provide enhanced community living (ECL) to individuals enrolled in the PASSPORT Program.

ODA has conducted a 5-year review of the rule. ODA's proposed amendments would add clarity to the rule and update its terminology, but not add any requirements for ODA-certified ECL providers.

SPECIFIC AMENDMENTS

ODA proposes to use the standardized language in (B)(1) which it uses in other more-recently-amended rules when referring to requirements for every ODA-certified provider in OAC173-39-02.

ODA proposes to move the limitation on ECL when other similar services are provided to be a part of the definition of ECL in (A).

ODA proposes to move a paragraph requiring providers to maintain the "capacity" (i.e., "adequate staffing levels") from one of the early subparagraphs of (B) to a sub-paragraph of (B)(4), the paragraph on staffing levels.

ODA proposes to delete a paragraph on not furnishing services in excess of what the case manager authorizes because this duplicates language in OAC173-39-02.

ODA proposes to delete a paragraph prohibiting providing the service if the provider is not listed in the service order because a similar requirement appears in OAC173-39-02.

ODA proposes to delete at least one requirement to retain records for monitoring because the requirement for this also appears in OAC173-39-02.

ODA proposes to delete requirements under (B)(5)(a) of the rule on which providers ODA would certify to provide ECL. ODA proposes to eliminate the requirements to be (1) a certified Medicare provider and (2) a certified Medicaid provider. This should make it easier for more providers to qualify to provide ECL. In (B)(5)(a)(ii), ODA proposes to require providers to be a *legal* entity (*vs.*, just an entity).

distinct from the housing site owner and property manager so the site is not subject to ODH's nursing home licensure, ODH's RCF licensure, or ODMHAS' residential facility licensure. ODA also proposes to require safeguards to be in place to prevent any unremedied conflict of interest.

ODA proposes to add a helpful paragraph informing readers that the rate-setting methodology is regulated by OAC5160-31-07, not this rule. This paragraph is commonly found in rules regulating services in OAC Chapter 173-39.

ODA proposes to move the 3 definitions at the end of the rule to paragraphs under (A).

ODA also proposes to make basic terminology amendments, including the following:

- Adding *ODA provider certification* to the beginning of the rule's title.
- Deleting unnecessary uses of *that*.
- Replacing uses of *consumers* with *individuals*.
- Replacing *capacity* with *adequate staffing levels*.
- Replacing uses of *furnish* with *provide*.
- Replacing uses of *service plan* with *activity plan*.¹

Any person may participate in the public hearing. 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, September 20, 2017.

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

¹ This rule regulates providers. Providers make *activity* plans. This rule doesn't regulate case managers. Case managers make person-centered services plans.