



**Department of
Aging**

John Kasich, Governor
Stephanie M. Loucka, Director

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 conducted a 5-year review of the rule. ODA's proposed amendment to eliminate 2 requirements to qualify for certification as an ECL provider so long as (1) the provider is a legal entity distinct from the housing site owner and (2) safeguards are in place to prevent any unremedied conflict of interest. These changes should make it easier for more providers to qualify for certification. (For more information, see "SPECIFIC AMENDMENTS" below.) ODA's other proposed amendments will add clarity to the rule and update its terminology.

SPECIFIC AMENDMENTS

ODA proposes to replace the current title with "ODA-provider certification: enhanced community living."

ODA proposes to move the limitation on ECL when other similar services are provided from (B)(5)(c) to (A)(1)(b), which makes it part of the definition of "ECL."

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 requirement for providers to maintain the "capacity" (i.e., "adequate staffing levels") to provide each ECL activity from (B)(1)(a) to (B)(3)(a), which places it in the rule's list of staffing-level requirements.

ODA proposes to delete a paragraph on not providing services in excess of what the case manager authorizes because it 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 prohibition appears in OAC173-39-02.

246 N. High St. / 1st Fl.
Columbus, OH 43215-2406 U.S.A.
www.aging.ohio.gov

Main: (614) 466-5500
Fax: (614) 466-5741
TTY: Dial 711

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

Under (B)(4)(a), ODA proposes to eliminate the requirements for ODA-certified ECL providers to also be (1) certified Medicare providers and (1) certified Medicaid providers. This should make it easier for more providers to qualify for certification.

In (B)(4)(a)(ii), ODA proposes to require every provider 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 all definitions in 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" (and its derivatives) with "provide" (and its derivatives).
- Replacing uses of "components of the service" and "service plan" with "activities" and "activity plan."

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.