

PUBLIC HEARING NOTICE

ASSISTED LIVING PROGRAM: MEDICAID-FUNDED COMPONENT

ODA proposes to amend rule 173-38-03 of the Administrative Code. ODA's proposals to amend this rule will result in amending approximately more than 50% of the rule, so ODA proposes to rescind the rule and to adopt a new rule in its place to comply with the 50% guideline in §4.3.1 of LSC's [Rule Drafting Manual](#). In doing so, ODA proposes to achieve the following:

1. The rule requires ODA's designee to collect the individual's handwritten or electronic signature as an agreement to continue as an enrollee in the program. To allow for social distancing during the COVID-19 public health emergency, ODA added a provision to paragraph (D) of this rule to allow collecting this signature at a later date. ODA now proposes to limit this flexibility to emergencies declared by the governor or a federal public health emergency.
2. During the COVID-19 public health emergency, ODA added a provision to paragraph (C)(1)(a)(v)(b) of this rule to allow a person to enroll in the program while temporarily living in a non-compliant resident unit under specific conditions. By the time this rule takes effect, the two remaining enrollees living in non-compliant units will no longer be using this provision. ODA now proposes to remove it from this rule.
3. ODA proposes to continue requiring an ODA-approved enrollment agreement, but to no longer require using form ODA1044.
4. To comply with R.C. §§ [106.03](#), [121.95](#), and [121.951](#), ODA proposes to reduce the use of regulatory restriction words (*e.g., shall*) in this rule. This accounts for a majority of the amendments to this rule.

ODA will conduct a public hearing on this rule at the following place, date, and time:

Place: **Conference Room 452
Rhodes Tower, 4th Floor
30 E Broad St
Columbus, OH 43215**

Date: **November 2, 2023**

Time: **9:30AM**

Any person may participate in person or online.

If in person, please understand that the building's security staff will require any visitor to the building to register at the security desk by showing a government-issued photo

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identification (e.g., a driver's license), pass through a metal detector, and allow belongings to be inspected. Please arrive early enough to complete this registration process before the hearing begins. Participants may find area parking at [street meters](#) and area parking garages, including the [Statehouse Underground Parking Garage](#).

If online, [click here to join the meeting](#) via Microsoft Teams.

Any person may email written testimony to rules@age.ohio.gov before the day of the hearing in lieu of presenting testimony at the hearing, whether in person or online.

Any person who testifies at the public hearing will receive a written response if the person also provides ODA with their name, email address, and a written version of their testimony before 5:00PM on the day of the hearing. A person may email this information to rules@age.ohio.gov.

Please email Helena Carter, ODA's ADA coordinator, at hcarter@age.ohio.gov no later than 7 business days before the hearing to request a reasonable accommodation due to a disability.

Please email Tom Simmons, ODA's policy development manager, at rules@age.ohio.gov with any other questions about this hearing.