

Note: Email completed form to jcarr1@jcarr.state.oh.us.

Hearing Date: 3/9/2018

Today's Date: 3/19/2018

Agency: Ohio Dept. of Aging

Rule Number(s): 173-39-02.11 ODA provider certification: personal care.

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Ohio Association of Area Agencies on Aging

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Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Please review the attached table.

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s).
If no comments were incorporated, explain why not.

Please review the attached table.



TESTIMONY FROM THE MARCH 9, 2018 PUBLIC HEARING

ODA PROVIDER CERTIFICATION: PERSONAL CARE

TESTIMONY FROM OHIO ASSOCIATION OF AREA AGENCIES ON AGING	ODA's RESPONSES
(C)(3)(a)(i) How will we handle agencies that have hired STNAs using the old rule that stated " <u>listed</u> on the registry"?	This is covered in paragraph (C)(3)(e)(ii) of this rule, which says the following: If a person meets the initial qualifications to be a PCA under paragraph (C)(3)(a) of this rule by successfully completing a nurse aide training and competency evaluation program described in (C)(3)(a)(i) of this rule, the provider shall retain a copy of the search results from ODH's nurse aide registry...to verify the registry listed the person as "active" or "in good standing."
(C)(3)(a)(ii) Does this mean the aide must complete both a 75 hour training and a competency eval? many providers do the competency eval but not the 75 hour training. 484.4 states aides can meet requirements by 484.36 a, b, or e. Only the "a" option requires 75 hour training.	This rule says one way for a person to qualify to be a PCA if they also qualify to be a home health aide (HHA) according to the Medicare rules. Because Medicare allows providers to hire HHAs who successfully complete competency evaluation without training, this rule would allow ODA-certified providers to do the same.
(C)(3)(a)(iii) The rule does not specify if the one year of supervised employment must be full-time employment. Would this be the expectation and if so, could this be written into the rule?	This rule says a person may qualify to be a PCA with one year of supervised employment experience as a HHA or NA if the aide successfully completed a competency evaluation. There is no requirement for the employment to have been full time.
(C)(3)(a)(iii) Previous rules identified that the applicant's employment experience had to be within the last three years. Should there be any consideration to adding a similar requirement again?	This rule was first adopted on April 16, 2006. Since that time, the rule has not required the employment experience to be within the last 3 years. The goal of the continuing education requirements in this rule are to be certain PCAs are up-to-date on training required for the job.
(C)(3)(a)(iii) Should say "verified" supervised experience.	Paragraph (C)(3)(e)(iii) of this rule requires providers to retain documentation that verifies the PCA meets this paragraph's requirements.

TESTIMONY FROM OHIO ASSOCIATION OF AREA AGENCIES ON AGING	ODA's RESPONSES
(C)(3)(b)(ii) Should this say <u>ODA's</u> ethical standards?	Rule 173-39-02 of the Administrative Code requires agency providers to "adopt and implement ethical standards." These are the provider's standards.
(C)(3)(d) Please clarify what is meant by every 12 months....? Calendar year, review date to review date, or employee anniversary date to anniversary date. Providers all look at this differently.	Providers have flexibility, so long as no more than 12 months elapse between completing CEUs.
(C)(3)(e)(iii) Please clarify from whom this information is acceptable to receive from, the aide or previous employer.	This rule doesn't specify, which gives flexibility to the provider on what they may accept.
(C)(3)(e)(iii) Please define "official" (from former employer).	On March 12, 2018, ODA refiled the rule to amend the paragraph in response to your comment. The paragraph requires information from the former employer, not an "official" from the former employer.
(C)(3)(e) Hiring agency should also identify the name of the person completing the reference check.	We don't regulate hiring agencies in this rule.
(C)(4)(c)(ii) Is there any leeway allowed before and or after day 60?	<i>Before</i> , but not <i>after</i> . This rule does not require providers to wait 60 days before the next supervisory visit. Instead, it requires providers to provide a supervisory visit <i>at least once every sixty days</i> .
(C)(5)(d) and (C)(5)(e) Can these requirements just be addressed in COPs [173-39-02]-no need to repeat them here.	ODA addresses this topic in rule 173-39-02 of the Administrative Code. The requirement in this paragraph relates to the requirement in that rule.
(C)(6)(a) ODA needs to provide training regarding monitoring expectations for this rule.	Thank you for the recommendation; we'll take it into consideration.

TESTIMONY FROM OHIO ASSOCIATION OF AREA AGENCIES ON AGING	ODA's RESPONSES
<p>(C)(6)(b)</p> <p>(C)(6)(b) allows for electronic documentation and states if electronic time sheets are used, the individual does not need to sign. This is not mentioned in the activity plans or the supervisory visits. What is the expectation for electronic documentation requirements for those?</p>	<p>The expectations for electronic verification are to comply with section 121.36 of the Revised Code, the documentation requirements in (C)(6)(b) of this rule, and any other requirements in this chapter.</p>
<p>(D)(5)(b)(ii)</p> <p>Comment: Why 12 CEUs for this provider type and not for Choices Home Care Attendant Service (CHCAS) or agency aides who only need 8 CEUs?</p>	<p>Currently, ODA requires participant-directed personal care providers to complete more training than agency PCAs because participant-directed providers do not have nurse supervision. Thank you for your inquiry, ODA will continue to take this into consideration as the state works on waiver alignment.</p>