

**MEMORANDUM**

**TO:** Tommi Potter, Ohio Department of Medicaid

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** March 14, 2014

**RE:** **CSI Review – Choices Phase-Out** (OAC 5160-31-06)

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

The Ohio Department of Medicaid (ODM) submitted to the CSI Office one amended draft rule on February 3, 2014, and the comment period for the rules closed on February 10, 2014. No comments were received during the public comment period.

The proposed rule addresses provider conditions for participation in the PASSPORT home and community based care services (HCBC) waiver program. The PASSPORT waiver program helps Medicaid-eligible older Ohioans get the long-term services and supports to stay in their homes. The proposed rule amendment requires PASSPORT providers to be certified, prior to obtaining a Medicaid provider agreement, by the Ohio Department of Aging (ODA) for services specified in OAC 5160-31-05. These services include adult day services, chore services, home-delivered meal services and more. The intent of the certification requirement is to ensure providers meet a minimum criteria to provide services.

The proposed amendment is the result of the program changes and consolidation of the Choices program into the PASSPORT program. Prior to the proposed amendment, PASSPORT providers

had to be certified by ODA but could be certified as three different types of providers: long-term care agency provider, long-term care non-agency provider, and consumer-directed personal care provider.

The CSI Office reached out to ODA to better understand the certification requirements. Essentially, the Department requires the provider to complete an application for approval. There are no application fees charged at this time; however, background and registry checks are required.

After reviewing the revised proposed rule and the associated BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule is justified.

### **Recommendation**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office