

**MEMORANDUM**

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

**FROM:** Sophia Papadimos, Regulatory Policy Assistant

**DATE:** April 21, 2015

**RE:** **CSI Review – Home Care Attendant Services and Reimbursement (OAC 5160-46-04.1)**

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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**

This rule package consists of one amended<sup>1</sup> rule being proposed by the Ohio Department of Medicaid (ODM) pursuant to the five-year review requirement in statute. The rule package was submitted to the CSI Office on March 27, 2015 and the public comment period was held open through April 3, 2015. No comments were received during this time.

This rule package outlines requirements a home care attendant must meet in order to provide home care attendant services, as well as the requirements the attendant must follow when providing those services. According to ODM, the content of the rule is not changing but it is being reordered and reworded for clarity, and terminology is being updated.

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<sup>1</sup> This rule is being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

The draft rule was shared with ODM's Home and Community-Based Services Rules Work Group. The work group includes representatives from The Ohio Council for Home Care and Hospice, the Midwest Care Alliance, CareSource, CareStar, the Council on Aging, the Public Consulting Group, the Ohio Olmstead Task Force, Disability Rights Ohio, the Ohio Department of Aging, and the Ohio Department of Developmental Disabilities. ODM incorporated the feedback gathered from the work group into the draft rule.

ODM explains in the BIA that there are currently 40 providers enrolled as home care attendant service providers in the Ohio Medicaid Program. There are substantial impacts created by this rule, including the time and costs associated with being properly certified and trained. However, this is to ensure the safety of individuals utilizing the services. Additionally, federal regulations require adequate standards for home and community-based services waivers. ODM explained in the BIA, prospective providers can receive home health aide/competency training through adult vocational schools which costs approximately \$200-\$500, depending on the program and type of instruction. The cost of 12 hours of continuing education each year for a home care attendant will vary by subject, source and location. According to the American Red Cross and the American Heart Association, the average first aid course ranges from \$50-\$110.

No comments were received that the requirements are overly burdensome. Federal regulations also require a set of standards surrounding home and community-based services be in place. Therefore, after reviewing the proposed rule and associated BIA, the CSI Office has determined 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 Ohio Department of Medicaid should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.