Ohio Department of Aging

John Kasich, Governor
Bonnie K. Burman, Sc.D., Director

MEMORANDUM of RESPONSE

To: Mark Hamlin, Director of Regulatory Policy, CSIO
Sydney King, Regulatory Policy Advocate, CSIO

From: Tom Simmons, Policy Development Manager

Re: ODA Provider Certification: Terminology

Date: August 6, 2015. Revised: September 17, 2015.

Thank you for reviewing ODA's proposed rescission of rule 173-39-01 of the Administrative Code, the simultaneous adoption of proposed new rule 173-39-01 of the Administrative Code, and the proposed amendments to rules 173-39-02.22, 173-39-02.23, and 173-39-02.24 of the Administrative Code. ODA is pleased that CSIO is not recommending any changes at this time and will proceed with the rule filing.

Thank you for assisting ODA and the Ohio Assisted Living Association with our concerns over incident handling. As a result of our discussion, and your permission to proceed, on September 17, 2015, ODA made a refiled filing of the proposed new version of rule 173-39-01 of the Administrative Code.

In the original filing of the rule, ODA proposed to align ODA's definition of "incident" *for providers* with the Ohio Department of Medicaid's definition of 'incident' *for case managers*. In the refiled filing of the rule, ODA reverted to the current definition *for providers*.

In a separate, forthcoming rule project, ODA plans to propose a new rule *for case managers* on incident handling. The proposed new rule would require case managers to handle incidents a certain way under certain deadlines. The result would be standardized handling of incidents statewide. The predictability that this would create should lower providers' administrative expenses.

Additionally, because reverting to the current definition of "incident" frees the rule from the extended, multi-paragraph nature of the previously-proposed new definition, ODA returned to a

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plan announced in the BIA during the online public comment period. The plan was to eliminate the numbering of definitions so that alphabetical order alone arranges the definitions.

Thank you for working with ODA on these issues.