

**MEMORANDUM**

TO: Tom Simmons, Policy Development Manager, Ohio Department of Aging

FROM: Emily Kaylor, Regulatory Policy Advocate

DATE: October 17, 2016

RE: **CSI Review – ODA Provider Certification: Shared Living (OAC 173-39-02.25)**

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 Aging submitted to the CSI Office one new rule for review on September 9, 2016. The comment period for the rules closed on September 25, 2016 with four comments received.

Aging is proposing this new rule to regulate providers wishing to provide shared living to individuals enrolled in the PASSPORT Program, which helps Medicaid-eligible older Ohioans get long-term support while staying in their homes. The new rule is required to certify providers of shared living if the Centers for Medicare and Medicaid Services approves Aging's application to amend the Medicaid waiver authorizing the Medicaid-funded component of the PASSPORT Program. The rule establishes who is eligible for shared living, requirements for providers such as developing a shared living activity plan, records that must be maintained in the home, caregiver qualifications and training, caregiver coach qualifications and responsibilities, and units and rates for shared living.

Aging conducted three focus groups with caregivers, individuals enrolled in and case managers for the PASSPORT Program, and representatives from the Alzheimer's Association. In addition,

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they invited many pertinent groups to three stakeholder meetings seeking comments and suggestions. Additionally, four comments were received during the CSI public comment period. As described in a revised BIA submitted on October 7, in response to the stakeholder feedback (including the comments submitted to CSI), Aging made 12 amendments, provided justifications where they did not make changes based on stakeholder suggestions, and responded with clarifications to other inquiries.

The BIA states that Aging is unaware of how many providers would be regulated by the new rule but at least one has expressed interest in providing shared living. The costs of various trainings range from \$0 to \$99, depending on the course and any bundling of training packages one chooses to do. Additional adverse impacts include the costs associated with the required eight hours of continuing education each year and any costs to meet the provider in-home record storage requirements, both of which are established requirements in the rule. Aging states the rule is necessary to allow a less-costly alternative to nursing facilities to give individuals an independent option that still maintains quality care provision.

After reviewing the proposed rule and the 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