



John Kasich, Governor
Stephanie M. Loucka, Director

MEMORANDUM OF RESPONSE

BACKGROUND CHECKS

To: Travis Butchello, Regulatory Policy Advocate, CSIO

From: Tom Simmons, Policy Development Manager, ODA

Date: May 4, 2017

Thank you for reviewing ODA's proposed amendments to OAC Chapter 173-9 and 173-14-14.

As we discussed, ODA will file the rules with JCARR, but will also made the following additional amendments when doing so:

- During the online public-comment period, ODA proposed defining *individual*, and using the term alongside *consumer* because some programs subject to this chapter use *consumer* while others use *individual*. Before filing with JCARR, ODA found additional instances where adding *individual* would add clarity.
- During the online public-comment period, ODA proposed one occurrence of adding *individual* to OAC173-9-01 before *consumer*. To keep rule language consistent throughout the chapter, ODA now proposes to add *individual* after *consumer*.
- Over the past two years, ODA updated OAC Chapters 173-3 and 173-4. Those chapters regulate what was previously called *provider agreements*, they are now called *AAA-provider agreements*. To reflect this change, ODA replaced references to provider agreements in OAC Chapter 173-9 with references to AAA-provider agreements.
- During the online public-comment period, ODA proposed replacing the legalese term *as set forth in* with more-common English words. ODA now proposes to replaces additional occurrences of the term with *as established in* or *as listed in*, depending upon their context.
- ODA amended rules in OAC Chapter 173-39 to replace the terms *consumer-directed* and *consumer-direction* with *participant-directed* and *participant-direction*. ODA now proposes to make similar amendments to this chapter.
- During the online public-comment period, ODA proposed replacing some occurrences of *obtain* in the rule with *receive*. ODA now proposes to make the same amendment to an additional occurrence of *obtain*.
- During the online public-comment period, ODA proposed keeping the many references to ORC Title XXIX in paragraph format. ODA now proposes to itemize the references in individual paragraphs. This will make the rule easier to read.

These amendments are non-substantive terminology updates and adopting them will not affect the adverse impact upon providers as reviewed by CSIO in ODA's April 14, 2017 BIA.

Thank you for your work.

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