

**MEMORANDUM**

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

**FROM:** Christopher Smyke, Lt. Governor's Office

**DATE:** April 7, 2017

**RE:** **CSI Review – ODA Provider Certification: Personal Emergency Response Systems (OAC 173-39-02.6)**

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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 Aging (ODA) submitted to the CSI Office one amended rule for its statutorily-required five-year review on February 24, 2017. The comment period for the rules closed on March 12, 2017 with one comment received.

Ohio Administrative Code (OAC) 173-39-02.6 provides guidance to providers that furnish personal emergency response systems (PERS) to individuals enrolled in the PASSPORT program. The amended rule presents changes to terminology, training individuals, response plans, training responders and central monitoring stations.

ODA sought early stakeholder input by surveying 28 PERS providers on October 19, 2016. The results of the survey include information on demographics, the remote monitoring equipment, and provider recommendations, to which the BIA includes ODA's responses. ODA conducted the Home and Community-Based Services (HCBS) rules workgroup on January 25, 2017 by describing each individual requirement and discussing concerns before moving on to the next one. ODA ran a second HCBS rules workgroup on February 22, 2017 utilizing a similar procedure.

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The BIA states that no concerns were raised at the first workgroup and lists the input received from the second workgroup, including ODA's responses.

During the CSI public comment one comment was received from Kevin Kyburz of Healthcom, Inc. Mr. Kyburz suggested, in response to an earlier recommendation that ODA require meeting UL safety standards, that such a requirement should include ETL listed equipment. ODA responded that it does not intend to adopt any safety standards outside its control, so there is no need to offer ETL as an alternative to UL, to which the commenter was satisfied. The comment and accompanying response was included in a revised BIA submitted on March 20, 2017.

The BIA identifies the impacted business community as the 61 ODA-certified providers that bill the PASSPORT program in order to provide PERS. The impact includes the requirement that providers provide and replace PERS equipment when necessary. The BIA justifies this rulemaking by pointing out that the proposed changes to the rules governing PERS equipment, training, and central monitoring stations actually reduce the costs of complying for businesses.

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: Emily Kaylor, Lt. Governor's Office