



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Tom Simmons, Ohio Department of Aging

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** April 16, 2019

**RE:** **CSI Review – One Set of Standards for Three Services (OAC 173-39-2.3, 173-39-2.5, 173-39-2.9, 173-39-2.15, and 173-39-2.17)**

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On behalf of Lt. Governor Jon Husted, 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This rule package consists of four new rules and five rescinded rules proposed by the Ohio Department of Aging (ODA) as part of the statutorily required five-year review requirements. ODA submitted the rule package to the CSI Office on March 7, 2019 and held the public comment period open through March 21, 2019. ODA submitted its response to stakeholder comments on March 22, 2019.

The rules in this package set forth requirements for certification of community-based long-term care service providers. The changes proposed for the rules are part of ODA's effort to standardize the requirements for providers and to require compliance with the Ohio Department of Medicaid's (ODM) service standards. Ohio Administrative Code (OAC) 173-39-02.3 establishes requirements for providers of pest control services. The rule is being proposed for rescission and the content of the rule is being included with the new OAC 173-39-02.5. OAC 173-39-02.5 currently includes requirements for providers of chore services and is being rescinded and replaced with a new rule of the same rule number that addresses the requirements for pest control, chore services, home maintenance, and home repair within a single rule. OAC 173-39-02.9 currently contains

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requirements for home maintenance, modification, and repair. This rule is being amended to only contain requirements for providers of home modification services, with the requirements for home maintenance and repair being moved to OAC 173-39-02.5. OAC 173-39-02.15 sets forth requirements for providers of independent living services and is being updated to reclassify the services as community integration. OAC 173-39-02.17 establishes requirements for providers of community transition services and is being updated to require adherence to ODM service standards.

During early stakeholder outreach, ODA convened meetings of the Home and Community-Based Services Workgroup to review upcoming rule changes with stakeholders. ODA addressed the rules in this package during a January 23, 2019 meeting of the workgroup. Two comments were received during the CSI public comment period that suggested corrections to the rules, which ODA included in the proposed rules.

The business community impacted by these rules includes all certified entities providing the types of service regulated by the rules of this package. ODA states in the BIA that approximately 39 providers of chore services, 166 providers of home services, 41 providers of independent living assistance, and 79 providers of community transition services that participate in ODA-administered waivers. The adverse cost created by these rules includes the time and effort spent by providers adhering to the standards for certification. ODA states in the BIA that these rules protect individuals receiving services through ODA-administered waiver programs by ensuring that service providers meet certain standards.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio Department of Aging should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.