

## MEMORANDUM OF RESPONSE

### ODA PROVIDER CERTIFICATION

To: Carrie Kuruc, Executive Director, CSIO

From: Tom Simmons, Policy Development Manager, ODA

Date: June 24, 2020

---

Thank you for reviewing ODA's proposal to amend rules 173-39-02, 173-39-02.23, 173-39-03.5, 173-39-04; to replace rules 173-39-02.7 and 173-39-02.12 with new rules of the same number, and to adopt new rule 173-39-02.26.

At this time, ODA will file rules 173-39-02, 173-39-02.12, 173-39-02.23, 173-39-03.5, 173-39-04 with JCARR. Due to the COVID-19 state of emergency, work on 173-39-02.7 and 173-39-02.26 is likely to continue at a later time.

When filing 173-39-02 with JCARR, ODA will incorporate additional amendments into the rule than were in view during the public-comment period. None of these amendments will create a new adverse impact on providers. The following is a list of those additional amendments organized by paragraph number:

- (A)(1)(a) and (A)(1)(b): Replace "qualifications" with "qualification" in both paragraphs.
- (A)(3): Simply require providers to have "a valid telephone number," rather than require them to have "a valid email address and primary business telephone number locally listed under the provider's name or a toll-free number available through directory assistance." This will reduce the adverse impact of the rule.
- (B)(6)(a): Replace "services" with "service."
- (B)(12): Indicate that the requirements for providers apply to any subcontractor the provider uses to provide a service that ODA pays the provider to provide.

***Fostering sound public policy, research, and initiatives that benefit older Ohioans.***

- (D)(3)(b):
  - Highlight that the requirement for participant-directed providers to retain records in the individual's home in this paragraph is in addition to (vs. an alternative to) the records-retention requirements for every type of provider in (B)(10)(a).
  - Give participant-directed providers flexibility to retain records in an individual's home electronically.
- (D)(4)(b): Delete the paragraph. (B)(3)(a) already requires reporting and notifying ODA, so (D)(4)(b) is redundant.
- (D)(4)(c)(ii): Delete the redundant 2<sup>nd</sup> occurrence of "charge the individual an additional fee."

When filing 173-39-04 with JCARR, ODA will incorporate additional amendments into the rule than were in view during the public-comment period. These amendments are to (A), (B), and (C)(1). The amendments delete unnecessary references to the Ohio HOME First program. These amendments will create no adverse impact upon any provider and will simplify the rule.

Additionally, because ODA is not currently proposing to replace 173-39-02.7 or to adopt 173-39-02.26 as a new rule, ODA is also no longer proposing to amend references to those rules in 173-39-04.

Thank you for your work. Please let us know if you have any questions.