



## Common Sense Initiative

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

**Joseph Baker**, Director

### MEMORANDUM

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

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** November 29, 2022

**RE:** **CSI Review – State-Funded Component of the Assisted Living Program (OAC 173-51-04)**

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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 Department as provided for in ORC 107.54.

#### Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Aging (Department). This rule package was submitted to the CSI Office on October 13, 2022, and the public comment period was held open through October 26, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 13, 2022.

Ohio Administrative Code 173-51-04 establishes provider certification requirements for the state-funded component of the Assisted Living Program. The rule is amended to restructure the language of the rule to remove regulatory restrictions and duplicative requirements.

During early stakeholder outreach, the Department sent the proposed rule to industry stakeholders, including associations representing health care providers and facilities. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rule includes all providers that wish to be paid for services

**77 South High Street | 30th Floor | Columbus, Ohio 43215-6117**  
**CSIOhio@governor.ohio.gov**

provided to individuals enrolled in the state-funded component of the Assisted Living Program. The adverse impact created by the rule is primarily the requirement for providers to apply for additional services certification. The Department states that the amendments to the rule limit the adverse impact by referencing statute, which requires providers to apply for certification. The Department states that the rule is necessary to ensure that providers can receive pay for services.

### **Recommendations**

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

### **Conclusion**

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