



## 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 PASSPORT Program (OAC 173-40-04 and 173-40-05)**

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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 two amended rules 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 rules filed with the CSI Office on October 13, 2022.

Ohio Administrative Code (OAC) Chapter 173-40 establishes requirements related to the state-funded component of the PASSPORT Program. OAC 173-40-04 sets forth requirements for providers to apply for certification to be paid for services provided to an individual enrolled in the PASSPORT Program. OAC 173-40-05 requires that only authorized services are paid for through the state-funded component of the PASSPORT Program. Both rules are amended to restructure the language of the rule to remove regulatory restrictions and duplicative requirements.

During early stakeholder outreach, the Department sent the rules to industry stakeholders for feedback, including associations representing health care providers and facilities. No comments

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

were received during that time or during the CSI public comment period.

The business community impacted by the rules includes all providers that wish to be paid for services provided to individuals enrolled in the state-funded component of the PASSPORT Program. The adverse impacts created by the rules include the effort to apply as a provider. The Department states that the amendments to the rules limit the adverse impact by referencing statute, which requires providers to apply for certification. The Department states that the rules are 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 rules with the Joint Committee on Agency Rule Review.