



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: April 4, 2023

RE: **CSI Review – Medicaid-Funded Component of the Assisted Living Program (OAC 173-38-04)**

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This rule package consists of one new rule that replaces the previous rescinded rule proposed by the Ohio Department of Aging (Department). This rule package was submitted to the CSI Office on March 3, 2023, and the public comment period was held open through March 19, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on March 3, 2023.

Ohio Administrative Code 173-38-04 establishes provider certification requirements under the Medicaid-funded component of the Assisted Living Program. A provider may only be paid for providing a service by the Medicaid-funded component if the provider is certified under OAC 173-39 and ORC 173.39. The rule is amended to the extent that it is required to be rescinded and replaced by a new rule of the same rule number.

During early stakeholder outreach, the Department sent the proposed rule to industry stakeholder for feedback. No comments were received during that time or during the CSI public comment period.

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The business community impacted by the rule includes all providers seeking to be paid for services through the Assisted Living Program to individuals enrolled in the state-funded component. The adverse impact created by the rule includes requirements to be certified under the Department's standards, which requires application and certificate maintenance through training and recordkeeping processes. The Department states that the adverse impact is necessary to ensure the health and safety of individuals enrolled in programs administered by the Department.

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.