

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-02.25

Rule Type: New

Rule Title/Tagline: ODA provider certification: structured family caregiving.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 121.07, 173.01, 173.02, 173.391, 173.52, 173.522
5. What statute(s) does the rule implement or amplify? 173.39, 173.391, 173.52, 173.522; 42 C.F.R. 441.352.
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The proposed new rule will exist to establish the specific requirements to become, and to remain, an ODA-certified provider of structured family caregiving.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The proposed new rule will establish the specific requirements to become, and to remain, an ODA-certified provider of structured family caregiving. Similar to other rules in Chapter 173-39 of the Administrative Code (e.g., rule 173-39-02.24 of the Administrative Code), this new rule will refer to service-specific requirements in the Ohio Department of Medicaid's (ODM's) proposed new rule 5160-44-33 of the Administrative Code.

9. Does the rule incorporate material by reference? No

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

ODA refiled this rule to add paragraph (B)(3) of this rule after paragraph (B)(2) of this rule. In doing so, the existing paragraph (B)(3) of this rule becomes paragraph (B)(4) of this rule.

The new paragraph (B)(3) of this rule will establish qualifications to be a caregiver of structured family caregiving. The refiled rule will allow a person to qualify to be a caregiver if the person (1) successfully completes no fewer than 8 hours of training that the individual determined the provider needs to meet the individual's specific needs by the deadline the individual establishes or (2) meets the initial qualifications to be a personal care aide (PCA) under rule 173-39-02.11 of the Administrative Code. Each of the 5 ways to qualify to be a PCA in that rule involve more training or experience than 8 hours, with the exception of the Medicare way to qualify under 42 C.F.R. 484.80 which allows a person who successfully passes competency evaluation (i.e., proves that they have the knowledge and skill) to qualify without undergoing training. Therefore, adding option (2) will allow a person who is already a PCA to qualify to be a caregiver without completing an additional 8 hours of unnecessary training to qualify.

Option (1) can also be found in proposed new rule 5160-44-33 of the Administrative Code. The regulatory relief in option (2) is unique to this proposed new rule.

ODA also revised paragraph (B)(4) of this rule to account for the qualification added in paragraph (B)(3) of this rule.

05/22/2024 In response to testimony at the public hearing from Careforth, ODA refiled this rule to replace any reference to a specific unit of service with a general reference to units in the appendix to rule 5160-1-06.1 of the Administrative Code.

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Adopting this proposed new rule will not affect the biennial budget that the Ohio General Assembly established for ODA in House Bill 33 (135th GA).

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

For detailed information, please review ODA's responses to questions #15, #16, and #17 of the BIA.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

For detailed information, please review ODA's responses to questions #15, #16, and #17 of the BIA.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable