



Department of
Aging

Ted Strickland, Governor
Barbara E. Riley, Director

NOTICE

ODA will conduct a public hearing to obtain comments concerning ODA's proposed rescission of a rule and adoption of new rule regarding **transportation services**, as required by section 119.03 of the Revised Code. ODA will conduct the hearing on **July 19, 2010** in **Conference Room 10A** of the Department's offices at 50 W. Broad Street, **10th floor**; Columbus, OH 43215. The hearing will begin at **10:00AM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

RULES 173-3-06.6, 173-39-02.13, and 173-39-02.18

ODA is proposing to replace amend rules 173-3-06.6, 173-39-02.13, and 173.39-02.18 of the Administrative Code. In doing so, ODA has four goals:

1. To exempt buses from ODA's annual vehicle inspection because the Ohio Highway Patrol already requires the busses to undergo their annual vehicle inspection. This complies with Governor Strickland's Executive Order 2008-04S: "Implementing Common Sense Business Regulation," to eliminate unnecessary regulations.
2. To allow providers to deem drivers who have are certified EMTs or who have completed EMT-training as ones who comply with all or most of the driver qualifications under this rule. (This issue was raised during the public-comment period.)
3. To replace the language in the rules on "maintaining documentation" with "retaining records" because the term-of-art is "records retention," not "document maintenance." ODA also added references in the rules to the records-retention requirements in other rules. This change should not present any new requirements to a provider.
4. To reformat certain sections of the rule. As ODA continues to work with other agencies that participate in the consolidation exploration team of the Executive Medicaid Management Agency (EMMA), which Governor Strickland created with Executive Order 2007-36S, we see the benefit of formatting our rules in the same way, rule after rule, and also presenting some topics clearly. These changes should not present any new requirements to a provider. The changes are:
 - a. Although every provider under a provider agreement is already subject to rule 173-3-06 of the Administrative Code and every provider under a provider certification program is already subject to rule 173-39-02 of the Administrative Code, each rule now mentions that the requirements of the transportation services are in addition to the requirements of rules 173-3-06 or 173-39-02 of the Administrative Code.
 - b. The language that says what type of provider qualifies to provide the service now appears under the sub-heading "provider qualifications," which occurs just before the language on driver qualifications.
 - c. The language on collecting records that appeared under the sub-heading "records" in each rule now appears later in the rule under the sub-heading "service verification." Rules 173-39-02.13 and 173-39-02.18 of the Administrative Code also state, under "service verification" that the provider may collect and retain records electronically, including the signature. The wording is the standard language that has come from the consolidation exploration team of the Executive Medicaid Management Agency (EMMA).

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Additionally, although the forms are not an official part of this rule package, ODA wanted to take this opportunity to present new forms to the public to solicit feedback. ODA is proposing to renumber current form ODA0008 as "ODA0008A" and to create a new version of the form as "ODA0008B" that is a big-print version for drivers who cannot read the small print on the current form or who cannot write in the small boxes on the current form. To keep the monitoring of the form simple, the content of the form has not changed, nor has the order of the inspection items. The creation of a second, big-print form complies with Governor Strickland's Executive Order 2008-04S: "Implementing Common Sense Business Regulation," which requires all state agencies to provide some flexibility in the regulations.

Any person may direct written comments or requests for information concerning the proposed actions to Tom Simmons at the Department on or before the date of the hearing by writing to tsimmons@age.state.oh.us.