



Department of Aging

John Kasich, Governor
Bonnie Kantor-Burman, Director

NOTICE

H.B. No. 153's amendments to sections 173.404 and 173.501 of the Revised Code take effect on September 29, 2011. The amendments will change the Unified Waiting List and the **Home First component of PACE** by allowing a PACE organization to immediately enroll an eligible individual into the program any time a slot is available in the program without the formality of adding and removing the individual from the Unified Waiting List. ODA must now amend rule 173-50-03 of the Administrative Code to incorporate this change into the Administrative Code. ODA proposes to adopt the amended rule on September 29, 2011, the same day that H.B. No. 153's amendments take effect.

ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendments to rule 173-50-03 of the Administrative Code. ODA will conduct the hearing on **August 15, 2011** at 50 W. Broad Street, 10th floor; Conference Rooms A&B; Columbus, OH 43215. The hearing will begin at **1:30PM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

ODA will consolidate this public hearing with nine other public hearings on August 15, 2011 to reduce the state's administrative expenses and to reduce the general public's costs associated with traveling to Columbus to participate in public hearings.

Any person may direct written comments or requests for information concerning the proposed actions to Tom Simmons, ODA's rules manager, on or before the date of the hearing by writing to rules@age.state.oh.us.

(Please also note the related rule package regarding the Unified Waiting List.)

INTRODUCTION

ODA is proposing to amend rule 173-53-03 of the Administrative Code. In doing so, ODA has 3 basic goals:

1. To incorporate H.B. No. 153's amendments to the Home First language into the rule. H.B. No. 153's amendments to sections 173.404 and 173.501 of the Revised Code take effect on September 29, 2011. The amendments will change the Unified Waiting List and the Home First component of PACE by allowing a PACE organization to immediately enroll an eligible individual into the program any time a slot is available in the program without the formality of adding and removing the individual from the Unified Waiting List. ODA must now amend rule 173-50-03 of the Administrative Code to incorporate this change into the Administrative Code. ODA proposes to adopt the amended rule on September 29, 2011, the same day that H.B. No. 153's amendments take effect.
2. To comply with section 119.032 of the Revised Code, which requires each state agency to review each rule on or before the rule's designated review date.
3. To comply with Governor Kasich's Executive Order 2011-01K "Implementing Common Sense Business

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Regulation" and S.B. No. 2 (129th G.A.):

- a. ODA is proposing to adopt the new rules after interested parties and the general public have had opportunities to provide input:
 - i. Interested parties and the general public had the opportunity to testify to the finance committees of the Ohio House of Representatives and the Ohio Senate as those legislative bodies considered public testimony on the amendments that H.B. No. 153 proposed to make to sections 173.404 and 173.501 of the Revised Code.
 - ii. From June 30, 2011 to July 11, 2011, ODA posted the proposed amended rules on <http://aging.ohio.gov/information.rules/proposed.aspx> for a public-comment period.
- b. Earlier in 2011, ODA adopted the most-recent versions of rule 173-50-03 of the Administrative Code after undergoing a similar review process. After reviewing this rule again, ODA has determined that:
 - i. The rule and the proposed amendment to the rule do not burden any Ohio business. The only businesses subject to the rule are PACE organizations and the rule proposals eliminate an unnecessary process that current rules require of PACE organizations.
 - ii. ODA wrote the rule and the proposed amendment to the rule in a manner that is as easy to understand as the subject matter permits, including using terminology and presenting rule language in a manner that is uniform between chapters of the Administrative Code and between ODA's programs.

173-50-03 Enrollment process.

Specifically, ODA is proposing to amend this rule to:

1. Incorporate the language from rule 173-44-04 of the Administrative Code concerning the Home First Component of PACE into this rule.
2. Describe the unified waiting list as one of two options when enrolling an eligible individual into PACE when no slot is available. The other option is now the home-first component of PACE.
3. Organize the rule language concerning slot availability, Home First, and the Unified Waiting List in a format as similar to proposed amended rule 173-38-03 of the Administrative Code, which ODA is proposing to amend in another rule package, and new rule 173-42-03 of the Administrative Code, which ODA is proposing to adopt in another rule package, as possible to make comparing the rules as easy as possible. This will make the ODA's rules as easy to comprehend as the subject matter allows.
4. Replace "Request for Cash, Medical, and Food Stamp Assistance" in paragraph (F)(3) with "Request for Cash, Food, and Medical Assistance" because JFS changed the title of form JFS07200.
5. Insert "173.01" into the statutory authority section because section 173.01 of the Revised Code gives ODA authority to adopt this rule.