

ODA0003

# Ohio Department of Aging



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Ted Strickland, Governor  
 Barbara E. Riley, Director

## NOTICE

Notice is hereby given that the Ohio Department of Aging will conduct a public hearing in accordance with Chapter 119.032 of the Ohio Revised Code to obtain comments concerning the following:

1. ODA's proposed adoption of new rules regarding **long-term care consultations** that would become Chapter 173-43 of the Ohio Administrative Code;
2. ODA's proposed adoption of new rules regarding the **PACE** program that would become Chapter 173-50 of the Ohio Administrative Code;
3. ODA's proposed amendments and rescissions of rules of Chapter 173-6 of the Administrative Code that regard the **Golden Buckeye Card**; and,
4. ODA's proposed new rule 173-45-10 of the Ohio Administrative Code regarding the **long-term care customer satisfaction survey**.

The topics may not necessarily be heard in this order.

The hearing to which this notice applies will be conducted on **May 17, 2007** in Conference Room A of the Department's offices at 50 W. Broad Street, 10th floor; Columbus, OH 43215. The hearing will begin at 10:30AM and will continue until all parties in attendance at that time have had an opportunity to provide comment.

The following rules are being proposed for adoption:

**173-43-01  
 Introduction and  
 definitions.**

This proposed new rule contains an introduction to the long-term care consultation service and also defines terms used throughout proposed new Chapter 173-43 of the Administrative Code.

**173-43-02  
 Process.**

This proposed new rule would:

1. Establish a process for each nursing facility (NF) and PASSPORT administrative agency (PAA) to follow when determining whether or not there is a requirement for the PAA to provide a consultation to an individual in accordance with criteria outlined in proposed new rule 173-43-03 of the Administrative Code;
2. Establish a process for determining whether a consultation should be performed before or after admission to a NF;
3. Establish that only a person who is certified in accordance with proposed new rule 173-43-05 of the Administrative Code may perform a consultation;

4. Outline the minimum components to be included in every consultation; and,
5. Mandate that the PAA shall provide a written summary of options and resources available to meet the needs of the individual after each consultation.

**173-43-03  
Required consultations and exemptions.**

This proposed new rule sets forth the criteria by which determinations are made concerning whether an individual is required to be provided a consultation or may be exempt from that requirement. It also describes the conditions under which a NF or PAA may exempt an individual from the requirement to be provided a consultation.

**173-43-04  
Time frames.**

This proposed new rule establishes the time frames during which a PAA shall provide a long-term care consultation after an individual applies for Medicaid coverage and after the PAA receives a request for a consultation.

**173-43-05  
Staff certification.**

This proposed new rule specifies the education, experience, or training in long-term care a person shall have in order to be certified to provide a long-term care consultation.

**173-50-01  
Introduction and definitions.**

This proposed new rule introduces the Program of All-inclusive Care for the Elderly (PACE) and provides definitions used throughout proposed new Chapter 173-50 of the Administrative Code.

**173-50-02  
Eligibility.**

This proposed new rule establishes the criteria used to determine the eligibility of an individual for the Program of All-inclusive Care for the Elderly (PACE).

**173-50-03  
Enrollment.**

This proposed new rule establishes the process for enrolling an individual in the Program of All-inclusive Care for the Elderly (PACE).

**173-50-04  
Voluntary disenrollment.**

This proposed new rule establishes the process for the voluntary disenrollment of an individual in the Program of All-inclusive Care for the Elderly (PACE).

**173-50-05  
Involuntary disenrollment.**

This proposed new rule establishes the process for the involuntary disenrollment of an individual in the Program of All-inclusive Care for the Elderly (PACE).

**173-6-01  
Introduction.**

This introduces the Golden Buckeye program. It is being proposed for rescission. A proposed new rule will provide this function for Chapter 173-6 of the Administrative Code.

**173-6-01  
Introduction and definitions.**

This proposed new rule introduces the Golden Buckeye program and defines terms used throughout Chapter 173-6 of the Administrative Code.

**173-6-02  
Definitions.**

This rule is being proposed for rescission. An amended version of the definitions in this rule are being filed as part of proposed new rule 173-6-01 of the Administrative Code.

**173-6-02  
Eligibility.**

This proposed new rule establishes the criteria for eligibility for a Golden Buckeye Card.

**173-6-03  
Eligibility and use.**

This rule establishes the criteria for eligibility for a Golden Buckeye Card and establishes that a Golden Buckeye Card is not transferable to another person and is only valid once it has been signed by the cardholder. It is being proposed for rescission. Simultaneously, the criteria for eligibility is being filed as proposed new rule 173-6-02 of the Administrative Code and the remaining topics are being filed as

a portion of proposed new rules 173-6-03 and 173-6-04 of the Administrative Code.

**173-6-03  
Enrollment process  
for those sixty years  
of age or older.**

This proposed new rule establishes the process for enrolling an individual who is sixty years of age or older into the Golden Buckeye Card program and for issuing a card to that individual. Along with proposed new rule 173-6-04 of the Administrative Code, it replaces portions of rule 173-6-03 and 173-6-04 of the Administrative Code.

**173-6-04  
Processing and  
issuance of golden  
buckeye cards.**

This rule establishes the process for enrolling an individual into the Golden Buckeye Card program and for issuing a card to that individual. It is being proposed for rescission. Meanwhile, an amended version of the content of this rule is being filed as proposed new rules 173-6-03 and 173-6-04 of the Administrative Code.

**173-6-04  
Enrollment process  
for those eighteen to  
fifty-nine years of  
age.**

This proposed new rule establishes the process for enrolling an individual who is between eighteen and fifty-nine years of age into the Golden Buckeye Card program and for issuing a card to that individual. Along with proposed new rule 173-6-03 of the Administrative Code, it replaces portions of rules 173-6-03 and 173-6-04 of the Administrative Code.

**173-6-05  
Merchant and service  
provider  
participation.**

This rule:

1. Establishes the application process for a provider wishing to participate in the Golden Buckeye Card program.
2. Establishes the terms to which a provider must agree in order to participate in the Golden Buckeye Card program.
3. Declares that the participation of a provider in the Golden Buckeye Card program is not effective until approved by ODA.
4. Declares that a provider in the Golden Buckeye Card program may cancel its participation in the program at any time for any reason.

It is being proposed for rescission. Meanwhile, an amended version of the content of this rule is being filed as proposed new rule 173-6-05 of the Administrative Code.

**173-6-05  
Provider  
participation.**

This proposed new rule would:

1. Establish the application process for a provider wishing to participate in the Golden Buckeye Card program.
2. Establish the terms to which a provider must agree in order to participate in the Golden Buckeye Card program.
3. Declare that the participation of a provider in the Golden Buckeye Card program is not effective until approved by ODA.
4. Declare that a provider in the Golden Buckeye Card program may cancel its participation in the program at any time for any reason.

**173-6-06  
Applicant  
information and  
mailings.**

This rule:

1. Establishes criteria for use of information obtained from cardholders by ODA.
2. Establishes criteria for use of information obtained from cardholders by administrators.

3. Establishes that information obtained from cardholders does not constitute a public record.

It is being proposed for rescission. Meanwhile, an amended version of the content of this rule is being filed as proposed new rule 173-6-06 of the Administrative Code.

**173-6-06  
Records that identify  
cardholders.**

This proposed new rule would:

4. Establish criteria for use of information obtained from cardholders by ODA.
5. Establish criteria for use of information obtained from cardholders by administrators.
6. Establish that information obtained from cardholders does not constitute a public record.

This proposed new rule replaces rule 173-6-06 of the Administrative Code.

**173-6-07  
Prescription drug  
program contracts.**

This rule regulates the contracts for the prescription drug program affiliated with the Golden Buckeye Card. In response to H. B. No. 468 (126<sup>th</sup> G. A.), this rule is being proposed for rescission.

**173-6-08  
Administration of  
prescription drug  
programs.**

This rule regulates the administrators of the prescription drug program affiliated with the Golden Buckeye Card. In response to H. B. No. 468 (126<sup>th</sup> G. A.), this rule is being proposed for rescission.

**173-45-10  
Customer  
satisfaction surveys.**

This proposed new rule would:

1. Specify certain calculations ("scores") that ODA or its designee shall publish in the Long-Term Care Consumer Guide;
2. Describe the methods used to calculate scores, including the exclusion of some surveys from a calculation; and,
3. Prohibit scores from being published in the Long-Term Care Consumer Guide for any facility from which no more than two surveys were returned so that the privacy of the survey respondents is protected.

Written comments or requests for information concerning the proposed actions may be directed to Tom Simmons at the Department on or before the date of the hearing by writing to [tsimmons@age.state.oh.us](mailto:tsimmons@age.state.oh.us).