

**MEMORANDUM**

**TO:** Tommi Potter, Ohio Department of Medicaid

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** April 10, 2015

**RE:** **CSI Review – Administered Waiver Nursing Service Changes (OAC 5160-46-04)**

---

On behalf of Lt. Governor Mary Taylor, 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 Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of one amended rule being proposed by the Ohio Department of Medicaid (ODM). The rule package was submitted to the CSI Office on March 20, 2015 and the public comment period was held open through March 25, 2015.

The rule package establishes requirements for Ohio Home Care Waiver providers. The rule provides regulations for waiver nursing, personal care aide, adult day health center, out-of-home respite, supplemental adaptive and assistive devices, supplemental transportation, home modifications, and home-delivered meal services.

According to the BIA, stakeholders had opportunity to comment during ODM's rule workgroup. The workgroup has been meeting since 2013 and has assisted in the amending and drafting of several rule packages. Stakeholders include Midwest Care Alliance, the Ohio Council for Home Care and Hospice, CareSource, CareStar, Council on Aging, and Public Consulting Group. No comments were received during the CSI public comment.

The proposed amendments require nurses providing waiver nursing services to possess a valid license with the Ohio Board of Nursing, to have an active Medicaid provider agreement, and to only perform services that are within the nurse's scope of practice. It also states that RN assessments and consultations are not included as a waiver nursing service. Additional amendments are found throughout the rule that update language and terminology. ODM states the amendments are necessary to ensure licensed professionals are providing quality services to Medicaid consumers.

### **Recommendation**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Medicaid should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.