

**MEMORANDUM**

TO: Tom Simmons, Policy Manager and Regulatory Ombudsman, Ohio Department of Aging

FROM: Sydney King, Regulatory Policy Advocate

DATE: August 6, 2015

RE: **CSI Review – Provider Certification Choices Home Care Attendant Service (OAC 173-39-02.4)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (O.R.C) 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

The Ohio Department of Aging (ODA) submitted to the CSI Office one amended rule being reviewed under the five-year review process required by statute. The rule was submitted to the CSI Office on July 17, 2015, and the comment period closed on August 2, 2015.

The rule package regulates choices home care attendant services. These services include personal assistance with bathing, dressing, grooming, caring for hygiene, general household assistance, heavy household chores, money management and correspondence; and transportation to community services, activities, and resources. In the revised BIA, ODA described a rule review process that considered stakeholder outreach and the impacts to industry members when amending the rule. ODA removed a burdensome impact for providers that required collision insurance for vehicles used in the transportation of consumers. According to ODA, collision insurance only covers losses to the provider-driver and does not benefit the consumer.

The revised BIA describes a comprehensive stakeholder outreach process that included an

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electronic survey. ODA provided the input received during the early stakeholder outreach in the revised BIA and also included how the rule package was amended based on suggestions. No comments were received during the CSI public comment period.

The revised BIA identifies choices home care attendant service providers as the impacted industry. The CSI Office asked ODA to revise the BIA to include estimated costs for the rule package's training and education requirements. ODA submitted the revised BIA to the CSI Office on August 6, 2015 and included examples of training and continuous education class fees. Additional adverse impacts include completing an ODA-certified provider application, submitting proof of liability insurance, and maintaining records of service and education. ODA states the rules are necessary to comply with statutory requirements but also to ensure consumers are receiving care from quality providers.

After reviewing the proposed rule and the revised BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule is justified.

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 Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office