



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Becky Phillips, Ohio Department of Developmental Disabilities

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: October 15, 2020

RE: CSI Review – Homemaker/Personal Care Rate Increases (OAC 5123-9-30 and 5123-9-32)

On behalf of Lt. Governor Jon Husted, 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 Ohio Department of Developmental Disabilities (Department) rule package consists of two amended rules. This rule package was submitted to the CSI Office on September 15, 2020, and the public comment period was open through September 22, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 15, 2020.

The proposed rules cover Home and Community Based Service (HCBS) waivers for homemaker/personal care and participant directed homemaker/personal care. The rules set provider qualifications, requirements to deliver services, payment standards, and required documentation of services. Amendments are proposed to implement rate increases for service providers, to make updates to citations, and to add a statement that participant directed homemaker/personal care delivered in fifteen minute units shall utilize electronic visit verification.

During the period of early stakeholder outreach, the Department discussed the payment rate increases with the Waiver Workgroup, composed of state agencies and private stakeholder groups,

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

following the passage of House Bill 166 which provided the funding for the rate increase. The Department states that stakeholder feedback was supportive of the proposed rate increase. No additional comments were received during the CSI public comment period.

Impacted communities include homemaker/personal care and participant directed homemaker/personal care providers serving individuals enrolled in Medicaid HCBS waivers. The Department states that requirements that providers be certified by the Department, hold a Medicaid provider agreement from the Ohio Department of Medicaid, and submit service documentation may create adverse impacts to business. Additionally, providers may encounter administrative sanctions for a failure to comply with the rules. The Department states that the rules ensure that services provided are in compliance with federal requirements and help to ensure the health and safety of individuals with developmental disabilities enrolled in the waivers.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.