



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

### MEMORANDUM

**TO:** Becky Phillips, Ohio Department of Developmental Disabilities

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** June 24, 2021

**RE:** **CSI Review – Homemaker and Personal Care Services (OAC 5123-9-30 and 5123-9-32)**

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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 Department as provided for in ORC 107.54.

#### Analysis

This rule package consists of two amended rules proposed by the Ohio Department of Developmental Disabilities (DODD). This rule package was submitted to the CSI Office on May 12, 2021, and the public comment period was held open through May 25, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 12, 2021.

Ohio Administrative Code (OAC) Chapter 5123-9 establishes requirements for home and community-based services (HCBS) waiver programs. OAC 5123-9-30 sets forth requirements for homemaker and personal care services under the Individual Options and Level One waivers, including provider qualifications, requirements for service delivery and documentation of services, and payment standards. OAC 5123-9-32 establishes similar provider and service delivery requirements for participant-directed homemaker and personal care services under the Individual Options, Level One, and Self-Empowered Life Funding waivers. The rules are amended to remove training requirements for providers, as the content is addressed in new rules that contain the training requirements for all service providers. The amendments also update references to other

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rules.

During early stakeholder outreach, DODD reviewed the rules during meetings of a workgroup focused on provider certification, which included providers, health associations, and health care facilities. Stakeholders suggested removing duplicative training requirements found in separate rules, which DODD removed from the rules. No stakeholder comments were received during the CSI public comment period.

The business community impacted by these rules includes providers of homemaker and personal care services, including self-employed independent providers and agency provider businesses. DODD states that, among agency providers, 1,578 provide homemaker and personal care services, 988 provide participant-directed services, and 981 provide both types of service. Among individual providers, 7,760 provide homemaker and personal care services, 6,126 provide participant-directed services, and 5,930 provide both types of service. Providers must maintain certification through DODD and a provider agreement through the Ohio Department of Medicaid. DODD states that the rules are necessary to ensure the safety of individuals participating in waiver programs and that services are provided in accordance with federal statute.

### **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