



THE PUBLIC'S COMMENTS & ODA'S RESPONSES

ODA thanks all who submitted comments during the public comment period.

Rules: 173-3-06.1 and 173-39-02.1
Period rules posted on ODA's website: April 24, 2013 to May 12, 2013
Date of this document: May 30, 2013

BOTH RULES¹

	THE PUBLIC'S COMMENTS	ODA'S RESPONSES
1	<p><i>Table 1 to rule 173-3-06.1 [but not rule 173-39-02.1]:</i></p> <p>Request that ODA correct <u>Monitoring of heath status</u> to Monitoring of health status</p> <p>Brooke Harrison Administrator Bowling Green Manor</p>	<p>Before ODA files the proposed new rule with JCARR, ODA will correct the spelling of "heath" in Table 1 to the rule so that it becomes "health."</p>
2	<p><i>Regarding paragraphs (B)(1)(c)(i) and (B)(1)(c)(ii) of rule 173-3-06.1 [but not rule 173-39-02.1]:</i></p> <p>The addition of a case manager assessing and determining the level of care is not necessary for the non- PassPort Adult Day Services. Traditional OAA services does not require a case manager, by adopting this clause it will add the additional cost of the case manager and delay the implementation of service with the necessity of an additional assessment. This adds a layer of service that is a replication of services that is already provided.</p> <p>Respectfully submitted by: United Seniors of Athens County, Inc.</p>	<p>ODA is not proposing to require case management for every consumer who receives ADS under rule 173-3-06.1 of the Administrative Code.</p> <p>To eliminate any confusion, ODA has subsequently proposed to add conditional language to make it clear that, although ODA doesn't require case management for consumers who receive ADS funded by the Older Americans Act, <i>if</i> the consumer receives case management due to care coordination, and the case manager recently assessed the consumer, the provider is relieved of the responsibility to conduct an initial assessment of the consumer.</p> <p>It is possible that case management is currently being offered to many consumers under the Older Americans Act. An inquiry ODA conducted on a sample AAA showed that, in the AAA's planning and service area, 100% of the consumers who receive ADS funded by the Older Americans Act were in care coordination. As a result, 100% of those consumers received case management.</p>

¹ Because both rules are uniform in enumeration, ODA is presenting comments on both rules together.

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3	<p><i>Regarding paragraphs (B)(4)(b)(iv) of both rules:</i></p> <p>Good morning in re-reading the proposed rules I noticed that individuals that provide personal care duties are required to have a high school diploma or GED. When I read the requirements for individuals performing personal care for an individual in a home environment there appears to be no mention of that requirement. Perhaps you could shed some insight as to why the difference Thanks</p> <p>Chuck Komp Senior Resource Connection</p>	<p>The current qualifications for PCAs in the in-home setting are different from those for PCAs in adult day centers. In short, the easiest qualification to meet to become a PCA in the in-home setting, according to rules 173-3-06.5 and 173-39-02.11, is 60 hours of job training. The easiest qualification to meet to become a PCA in an ADS center is to obtain a GED. These are long-standing differences in our rules. We suspect the state wanted to have tougher qualifications for the in-home setting because it is an unsupervised setting.</p> <p>In the near future, the state may explore the possibility of developing streamlined requirements for direct-care positions for many state-administered programs. Multiple state agencies, headed by the Ohio Dept. of Health, may soon propose core competency requirements for direct-care positions like PCAs. Those requirements could have an effect on the future development of ODA's qualifications for PCAs in adult day centers and in-home settings.</p>
4	<p><i>Regarding paragraphs (B)(4)(b)(ii)(a) of both rules:</i></p> <p>In reference to the change in staff qualifications for the Activity Director for Adult Day Services; I guess I question why the proposed rule change is so limiting to just those specific therapies. Why not include degrees or education focused in Gerontology, or possibly Social Work, Nursing, or Consumer and Family Studies (which used to come from Kent State). In the past we have had student interns from the department of Consumer and Family Studies who focused their experience with us in activities. Just a thought...</p> <p>Perhaps others have also responded with suggestions for other academic considerations.</p> <p>Thank you for the opportunity to contribute,</p> <p><i>Additional comment after ODA requested more information on May 13, 2013:</i></p> <p>I appreciate you taking the time to follow up with me. If I may, I would like to take this opportunity to explain a little more about my thoughts. Our Adult Day Services program has been in operation since 1977 and we currently have 10 employees in our activities department. Over these many years we have employed activity staff with various back grounds, certifications, and levels of education. We have positions in activities that range from program aides, activity assistants, to activity coordinators or directors. We are an organization that likes to promote from within whenever possible. I don't believe the proposed rule change, as I understand them, would affect our current staffing. We do have an activity director, with a bachelor degree in</p>	<p>After the public-comment period, ODA has relinquished its previous proposal to adopt uniform requirements for activities directors.</p>

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	<p>Consumer and Family Studies with an emphasis in Gerontology. However, she has been with us for over 10 years. So I believe her experience of being more than two years prior to 7/1/13 should save her job. (Please correct me if I am wrong). But where the rule change concerns me is twofold. First, this particular activity director is a consummate professional and much deserving of her position. When in college her internship was in activities, and she started with us as an assistant working her way up to a director. I feel the rule change discredits her academic credentials, when that was a valid component in her education. Secondly, the rule change would eliminate growth for some of our activity assistants who over the years have demonstrated the skill and ability to move up when and if the opportunity presents. We have, and have had, activity assistants with degrees in some of the other areas previously mentioned such as social work, nursing, and in nutrition. While I understand the idea to eliminate the ambiguity in the regs given the current statement "or a other <u>related</u> degree", but by also removing the two year experience component leaves out a lot of staff with great potential and demonstrated skills.</p> <p>Could I suggest then that if the new rules are going to list the specific degrees that are mentioned in the proposed rule change, which I assume will be stand alone, meaning no necessary experience required; one could be hired right out of college, that perhaps another section could be added for degrees in the other disciplines to state a bachelor degree with two years experience in activities.</p> <p>I know that I provided you with much more than you asked for, but I do appreciate the fact that my comment was not only read but followed up on. So I thought I would just take the opportunity to share more of my thoughts. Forgive me if I am being too bold with my comments, but I am grateful for the opportunity.</p> <p>Thank you,</p> <p>Jim Mazzagatti Director of Summit Adult Day Services Community Services of Summit County Catholic Charities, Diocese of Cleveland</p>	

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5	<p><i>Regarding paragraphs (B)(4)(b)(ii)(a) of both rules:</i></p> <p>Request that ODA consider allowing for baccalaureate or associate degree in the following fields of study (and/or related field): Gerontology, Kinesiology, and Family and Human Development Studies.</p> <p><i>Additional comment after ODA requested more information on May 13, 2013:</i></p> <p>My current programming staff for the 7 senior centers that I operate have the following degrees:</p> <p>1 – BS kinesiology 1 – BS Gerontology 1 – BS – Human Development Studies</p> <p>Potentially the Gero and/or HDS may want to move into the ADS position (once we are at that point). All three of these staff have been involved in our one day per month respite program (private pay).</p> <p>Denise C. Niese Executive Director Wood County Committee on Aging, Inc.</p>	Please see ODA's response to comment #4.
6	<p><i>Regarding paragraphs (B)(4)(b)(ii)(a) of both rules:</i></p> <p>The Ohio Association of Area Agencies on Aging is writing in support of comments made by the Wood County Committee on Aging regarding the qualification of activity directors for Adult Day Centers in Rules 173-3-06.1 and 173-39-02.1:</p> <p>Section B (4) (b) (ii) (a) Staff qualifications</p> <p><i>Request that ODA consider allowing for baccalaureate or associate degree in the following fields of study (and/or related field): Gerontology, Kinesiology, and Family and Human Development Studies.</i></p> <p>This comment makes sense to us and we support it. We understand the intent to clarify the qualifications from the existing rule, but it would make sense to include more potential qualifying degrees if they are reasonable in relation to the position.</p> <p>Thank you for the opportunity to comment.</p> <p><i>ODA requested more information on May 13, 2013, but has not yet received any at the time of the printing of this document.</i></p>	Please see ODA's response to comment #4.

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7	<p><i>Regarding paragraphs (B)(4)(b)(ii)(a) of both rules</i></p> <p>Request that ODA consider allowing for a Bachelor or Associate degree in the following fields or related fields of study: gerontology, kinesiology and family and human development studies</p> <p><i>Additional comment after ODA requested more information on May 13, 2013:</i></p> <p>We do have an activity director (at a SNF) that has a family/human dev studies bachelors degree.</p> <p>Brooke Harrison Administrator Bowling Green Manor</p>	<p>Please see ODA's response to comment #4.</p>
8	<p><i>Regarding paragraphs (B)(4)(b)(ii)(b) of both rules:</i></p> <p>Request that ODA consider allowing a COTA (certified occupational therapy assistant) or PTA (physical therapy assistant) for activities director</p> <p>Brooke Harrison Administrator Bowling Green Manor</p>	<p>Please see ODA's response to comment #4.</p>