

# OHIO DEPT. OF AGING

## BASE INVENTORY OF 1842 REGULATORY RESTRICTIONS

November 14, 2019

Tom Simmons  
CONTACT NAME

[rules@age.ohio.gov](mailto:rules@age.ohio.gov)  
E-MAIL ADDRESS

614-728-2548  
PHONE NUMBER

RULE NUMBER	REGULATORY RESTRICTION	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
173-1-02	Shall	ODA <b>shall</b> give a reasonable public notice in the register of Ohio....	121.07, 173.01, 173.02	No, general rulemaking authority	No, general rulemaking authority
173-1-02	Shall	In the notice, ODA <b>shall</b> include the following:	121.07, 173.01, 173.02	No, general rulemaking authority	No, general rulemaking authority
173-1-02	Shall	..., which ODA <b>shall</b> set no earlier than the thirty-first nor later than the fortieth day after ODA files the proposed rule, amendment, or rescission under....	121.07, 173.01, 173.02	No, general rulemaking authority	No, general rulemaking authority
173-1-02	Shall	ODA <b>shall</b> promptly provide an electronic copy of the public notice to any person who requests it without charge.	121.07, 173.01, 173.02	No, general rulemaking authority	No, general rulemaking authority
173-1-02	Shall	ODA <b>shall</b> promptly provide a paper copy of the public notice to any person who requests it and pays a reasonable fee that does not exceed the actual cost of copying and mailing.	121.07, 173.01, 173.02	No, general rulemaking authority	No, general rulemaking authority
173-1-02	Shall	If the person making the request for a paper copy is affected by the proposed rule, ODA <b>shall</b> provide the paper copy without charge.	121.07, 173.01, 173.02	No, general rulemaking authority	No, general rulemaking authority
173-1-02	Shall	Although ODA <b>shall</b> respond to all requests for a paper copy promptly, ODA cannot guarantee the provision of a paper copy thirty days before the public hearing unless the request is postmarked at least forty days before the hearing's date.	121.07, 173.01, 173.02	No, general rulemaking authority	No, general rulemaking authority
173-1-03	Shall	..., notice <b>shall be</b> given no later than twenty-four hours prior to the time of the special meeting.	121.07, 121.22, 173.01, 173.02	Yes, state law	Yes, state law
173-1-03	Shall	..., notice <b>shall be</b> given as soon as reasonably possible.	121.07, 121.22, 173.01, 173.02	Yes, state law	Yes, state law
173-1-03	Shall	ODA <b>shall</b> maintain a list of all persons who have requested, in writing, notice of all public meetings....	121.07, 121.22, 173.01, 173.02	Yes, state law	Yes, state law
173-1-03	Shall	No later than ten days prior to each regular meeting, ODA <b>shall</b> send notice by electronic mail to such persons.	121.07, 121.22, 173.01, 173.02	Yes, state law	Yes, state law

173-2-03	Shall	ODA <b>shall</b> allocate the state's Title III Older Americans Act funds to each PSA according to the IFF, unless federal or state laws require ODA to distribute the funds in another manner.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1321.37.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-05	Shall	ODA <b>shall</b> designate an entity as an AAA only if a change in the structure of Ohio's existing PSAs creates a new PSA for which no AAA has been designated, or if ODA de-designates a currently-designated AAA according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1321.33.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-05	Shall	ODA <b>shall</b> only designate an entity as an AAA if the entity meets both of the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1321.33.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-05	Shall	When designating a new AAA, ODA <b>shall</b> give the right of first refusal to a unit of general-purpose local government that meets the requirements under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1321.33.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-05	Shall	If the unit of general-purpose local government chooses not to exercise this right, ODA <b>shall</b> then give preference to an established office on aging that meets both of the requirements under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1321.33.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-06	Shall	Each AAA <b>shall</b> develop and submit to ODA a proposed area plan complying with 42 U.S.C. 3026.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026</li> <li>•45 CFR 1321.11, 1321.59</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-06	Shall	If ODA approves the AAA's proposed area plan, the AAA <b>shall</b> fully implement the duties outlined in its plan, whether it does so directly or through contractual or other arrangements.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026</li> <li>•45 CFR 1321.11, 1321.59</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	ODA <b>shall</b> monitor each AAA for compliance with its area plan; state or federal laws, state or federal rules, or ODA's policies (collectively, "laws"); or agreements that govern the programs and funds that the AAA administers through grants from, or contracts with, ODA ("agreements").	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	ODA <b>shall</b> notify an AAA of any instance of non-compliance ("deficiency") that it identifies while monitoring the AAA's compliance with its area plan, laws, or agreements.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	In the notice, ODA <b>shall</b> require the AAA to develop a written, self-imposed corrective-action plan and to correct the deficiency to ODA's satisfaction before ODA's deadline, unless....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-2-07	Shall	In response to ODA's notice, the AAA <b>shall</b> submit to ODA a proposed corrective-action plan that it would impose upon itself.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	In the self-imposed corrective-action plan, the AAA <b>shall</b> propose a correction deadline, describe the manner in which it will correct each deficiency, and include actions that it will take to ensure the deficiency does not recur.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	In he self-imposed corrective-action plan, the AAA <b>shall</b> propose a correction deadline, describe the manner in which it will correct each deficiency, and include actions that it will take to ensure the deficiency does not recur.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	ODA <b>shall</b> review the AAA's proposed corrective-action plan to determine if ODA approves of its implementation.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	ODA <b>shall</b> inform the AAA, in writing, of its acceptance of the AAA's proposed corrective-action plan.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	ODA <b>shall</b> impose corrective action upon an AAA in any of the following three situations:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	ODA <b>shall</b> consider the AAA's history of deficiencies, the severity of the present deficiency or other unrelated deficiencies, and the reason the AAA failed to correct the deficiency or other unrelated deficiencies when determining what corrective action to impose upon an AAA.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-2-07	Shall	ODA <b>shall</b> impose one or more of the following corrective actions upon an AAA to comply with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	If ODA terminates all or part of an AAA's grants or contracts, ODA <b>shall</b> take all actions necessary to ensure the continuation of any services directly furnished by the AAA that were authorized for consumers in the PSA.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-07	Shall	ODA <b>shall</b> inform the AAA, in writing, of its acceptance of the AAA's response to an ODA-imposed corrective-action plan.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-08	Shall	ODA <b>shall</b> de-designate an AAA if state or federal law requires ODA to de-designate, if ODA determines that de-designation is an appropriate corrective action according to..., or if ODA reorganizes the state's PSAs and the geographical region that a currently-designated AAA services ceases to exist.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-08	Shall	De-designation is a serious action that ODA <b>shall</b> pursue only if that action is in the public's interest and for the protection of the state of Ohio.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-08	Shall	Because ODA recognizes the valuable asset it has in its AAAs, it <b>shall</b> not pursue the de-designation of an AAA before giving consideration to the negative impact it may have upon the aging network and the lives of consumers that the AAA services.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-2-08	Shall	If ODA finds it necessary to de-designate an AAA, it <b>shall</b> take reasonable actions to minimize disruption to consumer's lives and all necessary actions to ensure the continuation of services until ODA designates a new AAA.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-2-08	Shall	ODA <b>shall</b> provide a written notice and an opportunity for an appeals hearing according to...to any AAA that ODA proposes to de-designate.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.011, 173.02.</li> <li>•42 USC 3025, 3026, 3027.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.35, 1321.59.</li> <li>•45 CFR Part 1321, Subpart E.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall	Each AAA <b>shall</b> enter into AAA-provider agreements ("agreements") to develop and implement a comprehensive and coordinated system of services for consumers and their caregivers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall	The AAA <b>shall</b> only enter into purchase-of-service agreements, unless the requirements of...are met.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall	The AAA <b>shall</b> obtain written permission (hard copy or electronic) from ODA before entering into a time-and-materials agreement if the agreement pertains to the provision of a service ODA did not list in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall	If the AAA enters into a time-and-materials agreement, the AAA <b>shall</b> place a limit on the dollar amount of the AAA's obligation under the agreement,...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall	...and the provider <b>shall</b> submit evidence to verify its costs before the AAA pays the provider.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall	The AAA <b>shall</b> monitor providers with whom it has entered into time-and-materials agreements to ensure that the providers' expenses do not exceed the limits that the AAA established in the agreements.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall not	The AAA <b>shall not</b> pay a provider for any services unless a valid agreement is in place before the provider begins to provide the services.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall	The AAA <b>shall</b> comply with...,	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-04	Prohibit	... which <b>prohibits</b> the AAA from entering into an agreement with any provider the SAM database lists as excluded or disqualified from agreements involving federal funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-04	Shall	An AAA <b>shall</b> only make a portion of the funds awarded to a provider available for use by one or more other existing providers without first going through one of the competitive procurement processes under... if, in the agreement, the AAA stated that it may redistribute funds if a provider is not, in a timely manner, earning the funds it was awarded and if the AAA determines that the provider is not, in a timely manner earning the funds it was awarded in an existing agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Shall	When an AAA procures goods or services paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> comply with requirements in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Prohibit	48 C.F.R. Subpart 2.1 establishes the federal micro-purchase threshold. 45 C.F.R. 75.329 <b>prohibits</b> an AAA from using micro-purchase procurement for AAA-provider agreements (agreements) worth more than the federal micro-purchase threshold.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Prohibit	2 C.F.R. Subpart 300 establishes the federal simplified acquisition threshold. 45 C.F.R. 75.329 <b>prohibits</b> an AAA from using small-purchase procurement for AAA-provider agreements (agreements) worth more than the federal simplified acquisition purchase threshold.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Shall	If an AAA submits a written request to ODA seeking permission to use a non-competitive process, the AAA <b>shall</b> comply with...and the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Shall	The AAA <b>Shall</b> submit its written request to ODA no fewer than thirty days before the AAA needs a decision from ODA.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Shall not	The AAA's written request <b>shall not</b> consider a public exigency or emergency to be a basis for non-competitive procurement if the AAA created the exigency or emergency.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-05	Shall	The AAA's request <b>shall</b> provide ODA with evidence to verify that the circumstances in...exist.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Shall	If the AAA wants to procure goods or services from a single source, the AAA's request <b>shall</b> verify that the circumstances in...exist by including the names of all known providers of the goods or services located in, or willing to do business in, the planning and service area.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Shall	The AAA's request <b>shall</b> also include emails or letters from each of those provides to document their inability to provide the goods or services the AAA wants to procure.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05	Shall	If the providers are unwilling to submit emails or letters to the AAA, the AAA <b>shall</b> document its efforts to obtain information from the providers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall not	An AAA <b>shall not</b> offer a provider a renewable or multi-year AAA-provider agreement (agreement) unless the AAA procured for the agreement according to...and this rule.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If an agreement is to be renewable after the agreement's initial term, the AAA <b>shall</b> clearly state the following in the RFP for the renewable agreement:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> state that the agreement is renewable after the initial term.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> state that it retains the right to decline to renew the agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If the agreement upon which providers would bid includes an opportunity for rate increases upon renewal, the AAA <b>shall</b> state the methodology by which the AAA would determine the amount, if any, of rate increases upon renewal.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-05.1	Shall	If the agreement upon which provides would bid does not include an opportunity for rate increases upon renewal, the AAA <b>shall</b> state that the agreement would not include an opportunity for rate increases upon renewal.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> state the circumstances, if any, under which it may terminate a renewed agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> clearly state the following in each renewable agreement:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> state that the agreement is renewable after the initial term.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> state that it retains the right to decline to renew the agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If the agreement includes an opportunity for rate increases upon renewal, the AAA <b>shall</b> state the methodology by which the AAA would determine the amount, if any, of rate increases upon renewal.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If the agreement does not include an opportunity for rate increases upon renewal, the AAA <b>shall</b> state that the agreement does not include an opportunity for rate increases upon renewal.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall not	An AAA <b>shall not</b> award a renewable agreement that would remain in effect, whether in its initial term or a renewed term, after the last day the AAA's approved area plan is in effect.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If the agreement is for a multi-year term, the AAA <b>shall</b> clearly state the following in the RFP:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-3-05.1	Shall	The AAA <b>shall</b> state that the agreement is for a multi-year term.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> state that it may terminate the agreement, rather than fulfill all years of the multi-year term, under any one or more of the following circumstances:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If the agreement upon which provides would bid includes an opportunity for rate increases during the multi-year term, the AAA <b>shall</b> state the methodology by which the AAA would determine the amount, if any, of rate increases during the multi-year term.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If the agreement upon which providers would bid does not include an opportunity for rate increases during the multi-year term, the AAA <b>shall</b> state that the agreement would not include an opportunity for rate increases.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> clearly state the following in each agreement with a multi-year term:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> state that the agreement is for a multi-year term.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	The AAA <b>shall</b> state that it may terminate the agreement, rather than fulfill all years of the multi-year term, under any one or more of the following circumstances:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If the agreement upon which providers would bid includes an opportunity for rate increases during the multi-year term, in the agreement, the AAA <b>shall</b> include the methodology by which the AAA would determine the amount, if any, of rate increases during the multi-year term.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-05.1	Shall	If the agreement does not include an opportunity for rate increases during the multi-year term, in the agreement, the AAA <b>shall</b> state that it does not include an opportunity for rate increases.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-05.1	Shall not	An AAA <b>shall not</b> award a multi-year agreement that would remain in effect after the last day the AAA's approved area plan is in effect.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	An AAA <b>shall</b> comply with the following federal requirements when entering into an AAA-provider agreement (agreement) for goods or services paid, in whole or in part, with Older Americans Act funds,....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	...the AAA <b>shall</b> comply with the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	The agreement <b>shall</b> comply with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> list the focal points in the service area covered by the agreement that the AAA designated under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> require the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	The provider <b>shall</b> specify how it intends [to] satisfy the need for services by consumers with the greatest economic and social needs with particular attention to consumers who are low-income, who are low-income minorities, who have limited proficiency in the English language, who reside in rural areas, and who are at risk for institutional placement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	The provider <b>shall</b> meet the AAA's specific objectives for giving services to specific consumer groups.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	The agreement <b>shall</b> comply with the Older Americans Act and any additional federal law governing, or federal rule regulating, the agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06	Shall	Every agreement for goods or services paid, in whole or in part, with Older Americans Act funds <b>shall</b> comply with the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> identify the names of the federal and state programs that are sources for the Older Americans Act funding being used for the procurement of the goods and services being procured through the agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> contain the following statement:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	The agreement <b>shall</b> comply with any rule in...regulating agreements in general or the provision of specific goods or services being procured through the agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	The agreement <b>shall</b> comply with any additional state law governing, or state rule regulating agreements in general or the provision of specific goods or services being procured through the agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> require the provider to cooperate with the AAA and ODA to assess disaster impact upon consumers and to coordinate with public and private resources in the field of aging to assist consumers whenever the president of the United States declares that the providers service area is a disaster area.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	If the provider provides goods and services to a consumer that the AAA case manages through a care-coordination program, in the agreement, the AAA <b>shall</b> require the provider to notify the AAA of any significant change that may necessitate a reassessment [of] the case-managed consumer's need for goods and services no later than one day after the provider is aware of a repeated refusal to receive goods or services; changes in the consumer's physical, mental, or emotional status; documented changes in the consumer's physical, mental, or emotional status; documented changes in the consumer's environmental conditions; or, other significant, documented changes to the consumer's health and safety.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06	Shall	In the agreement, the AAA <b>shall</b> require the provider to immediately report any reasonable cause to believe a consumer is the victim of abuse, neglect, or exploitation to the local adult protective services program in accordance with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	If the provider provides goods or services to a consumer that the AAA case manages through a care-coordination program, the agreement <b>shall</b> require the provider to notify the AAA and the case-managed consumer in writing of the anticipated last day of goods or services to the case-managed consumer no later than thirty days before the anticipated last day of goods or services, unless the reason for discontinuing the goods or services is the hospitalization, institutionalization, or death of the consumer; serious risk to the health or safety of the provider; the consumer's decision to discontinue the goods or services; or a similar reason why the provider is unable to notify the AAA thirty days before the anticipated last day of good and services.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	The provider <b>shall</b> also notify the case-managed consumer how he or she may reach a long-term care ombudsman.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> include any federal or state confidentiality requirements and also the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall not	The provider <b>shall not</b> disclose information concerning a consumer unless the provider obtains and retains the consumers written, informed consent to do so and the purpose for the disclosure is associated with the provider's provision of goods and services to the consumer.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall not	The provider <b>shall not</b> disclose information concerning a consumer for a purpose unassociated with the provider's provision of goods and services even if the provider obtains and retains the consumers written, informed consent to do so.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	If the provider retains consumers' records electronically, the provider <b>shall</b> store the records in a password-protected file.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06	Shall	If the provider does not retain records electronically, the provider <b>shall</b> store consumers' records in a designated, locked storage space.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	When hiring an applicant for, or retaining an employee in, a paid direct-care position, the provider <b>shall</b> review databases and check criminal records according to...., unless the provider is self-employed.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	If the provider is self-employed, the AAA <b>shall</b> review databases and check criminal records of the provider according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	If a federal, state, or local government regulatory authority prohibits the provider from providing the goods or services required by the agreement, the provider <b>shall</b> notify the AAA of the disciplinary action...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	...and the AAA <b>shall</b> , simultaneous to the date of the regulatory authority's disciplinary action, deem the provider to be ineligible to be paid with Older Americans Act funds for providing goods or services to consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> prohibit the provider from sub-contracting any of its duties under the agreement to another provider unless the provider obtains authorization from the AAA before sub-contracting.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> describe the grounds (and the process) for modifying the agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> state that any amendments to the laws, rules or regulations the AAA cites in the agreement will result in a correlative modification to the agreement without the necessity of executing a written amendment.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06	Shall	If the agreement is renewable or covers a multi-year term, the agreement <b>shall</b> comply with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In no agreement <b>shall</b> an AAA...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Prohibit	... <b>prohibit</b> a provider from using electronic systems to verify the provision of goods or services or to retain records.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> require providers to retain any record relating to costs, goods and services provided, supporting documentation for payment of goods and services provided, and all deliverables until the last of the following dates:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> describe how...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	...it <b>shall</b> pay the provider, including the amount and payment method.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	The provider <b>shall</b> comply with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06	Shall	In the agreement, the AAA <b>shall</b> state that the provider may appeal a decision the AAA takes against the provider according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06	Shall	If the AAA intends to redistribute unearned funds to other providers, in the agreement, the AAA <b>shall</b> state that it may redistribute funds if a provider is not, in a timely manner, earning the funds it was awarded and if the AAA determines the provider is not, in a timely manner earning the funds it was awarded in the agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR Part 75, Subpart D.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Every AAA-provider agreement for ADS that is paid, in whole or in part, with Older Americans Act funds, <b>shall</b> comply with every AAA-provider agreement under...and the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in...for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Basic ADS <b>shall</b> include structured activity programming, health assessments, and the supervision of one or more ADL.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Enhanced ADS <b>shall</b> include the components of basic ADS, plus hands-on assistance with one or more ADL (bathing excluded), supervision of medication administration, assistance with medication administration, comprehensive therapeutic activities, intermittent monitoring of health status, and hands-on assistance with personal hygiene activities (bathing excluded).	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Intensive ADS <b>shall</b> include the components of enhanced ADS, plus hands-on assistance with two or more ADLs, regular monitoring of health status, hands-on assistance with personal hygiene activities (bathing included, as needed), social work services, skilled nursing service (e.g., dressing changes), and rehabilitative service, including physical therapy, speech therapy, and occupational therapy.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> transport each consumer to and from the ADS center by performing a transportation service that complies with..., unless the provider enters into a contract with another provider who complies with..., or unless the caregiver provides or designates another person or non-provider, other than the ADS center provider, to transport the consumer to and from the ADS center.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The case manager <b>shall</b> assess each consumer's needs and preference then specify which service level will be approved for each consumer;	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.1	Shall	The provider <b>shall</b> retain records to show that it provides the service at the level that the case manager authorized.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> assess the consumer before the end of the consumer's second day of attendance at the center.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The initial assessment <b>shall</b> include both of the following components:	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	No later than thirty days after the consumer's initial attendance at the ADS center or before the consumer receives the first ten units of service at the ADS center, whichever comes first, the provider <b>shall</b> either obtain a health assessment of each consumer from a licensed healthcare professional to perform a health assessment of each consumer.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The health assessment <b>shall</b> include the consumer's psychosocial profile...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	...and <b>shall</b> identify the consumer's risk factors, diet, and medications.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	If the licensed healthcare professional who performs the health assessment is not a staff member of the provider, the provider <b>shall</b> retain a record of the professional's name and phone number.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	No later than thirty days after the consumer's initial attendance at the ADS center or before the consumer receives the first ten units of service at the ADS center, whichever comes first, the provider shall either obtain the services of a licensed health care professional whose scope of practice includes developing activity plans to draft an activity plan for each consumer...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	...or the provider <b>shall</b> require a staff member who is such a licensed healthcare professional to draft an activity plan for each consumer.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The plan <b>shall</b> identify the consumer's strengths, needs problems or difficulties, goals, and objectives.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law



173-3-06.1	Shall	The plan <b>shall</b> describe the consumer's risk factors, diet, and medications.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Before administering medication or meals with a therapeutic diet, and before providing a nursing service nutrition counseling, physical therapy, or speech therapy the provider <b>shall</b> obtain a plan of treatment from a licensed healthcare professional whose scope of practice includes making plans of treatment.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> obtain the plan of treatment at least every ninety days for each consumer that receives medication, a nursing service, nutrition counseling, physical therapy, or speech therapy.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Instead, the provider <b>shall</b> comply with the diet-order requirements for therapeutic diets under....	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provide <b>shall</b> conduct an interdisciplinary care conference for each consumer at least once every six months.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> conduct the conference between the provider's staff members and invitees who choose to participate.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	If the consumer receives case management as part of care coordination, the provider <b>shall</b> invite the case manager to participate in the conference.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> invite any licensed healthcare professional who does not work for the provider, but who provided the provider with a health assessment of the consumer or an activity plan for the consumer, to participate in the conference.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	If the consumer has a caregiver, the provider <b>shall</b> also invite the caregiver to the conference.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> also invite the consumer to the conference.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> invite the case manager, licensed healthcare professional, caregiver, or consumer by providing the date and time to the case manager seven days before the conference begins.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law

173-3-06.1	Shall	If the conference participants identify changes in the consumer's health needs condition, preferences, or responses to the service, the provider <b>shall</b> obtain the services of a licensed healthcare professional whose scope of practice includes developing activity plans to revise the activity plan accordingly...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	...or <b>shall</b> require a staff member who is such a licensed healthcare professional to revise the activity plan accordingly.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> retain records on each conference's determinations.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> post daily and monthly planned activities in prominent locations throughout the center.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> provide lunch and snacks to each consumer who is present during lunchtime or snacktime.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provision of lunch <b>shall</b> comply with the meal service requirements of....	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> only perform ADS in a center with the following specifications:	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	If the center is housed in a building with services or programs other than ADS, the provider <b>shall</b> assure that a separate identifiable space and staff are available for ADS activities during all hours in which the provider provides ADS in the center.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The center <b>shall</b> comply with the...in....	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The center <b>shall</b> have at least sixty square feet per individual that it serves, excluding hallways, offices, rest rooms, an storage areas.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> store consumers' medications in a locked area that the provider maintains at a temperature that meets the storage requirement of the medications.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> store toxic substances in an area that is inaccessible to consumers.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law

173-3-06.1	Shall	The center <b>shall</b> have at least one toilet for every ten individuals present that it serves and at least one wheelchair-accessible toilet.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	If the center provides intensive ADS, the center <b>shall</b> have bathing facilities suitable to the needs of consumers who require intensive ADS.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provide <b>shall</b> develop and annually review a fire inspection and emergency safety plan.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> post evacuation procedures in prominent locations throughout the center.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	At least quarterly, the provider <b>shall</b> conduct an evacuation drill from the center while consumers are present.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> retain records on the date and time it completes each evacuation drill.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> have fire extinguishers and smoke alarms in the center...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	...and <b>shall</b> provide routine maintenance to them.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	At least annually, the provider <b>shall</b> conduct an inspection of the fire extinguishers and smoke alarms...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	...and <b>shall</b> document the completion of each inspection.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> have at least two staff members present whenever more than one consumer is present, including one who is a paid personal care staff member and one who is certified in CPR.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> maintain a staff-to-consumer ratio of at least one staff member to every six consumers at all times.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030d, 3032c •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law

173-3-06.1	Shall	The provider <b>shall</b> have one RN, or LPN under the direction of an RN, present whenever a consumer who receives enhanced ADS or intensive ADS requires components of enhanced ADS or intensive ADS that fall within a nurse's scope of practice.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> have one RN, or LPN under the direction of an RN, present whenever a consumer who receives enhanced ADS or intensive ADS requires components of enhanced ADS or intensive ADS that fall within a nurse's scope of practice.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> employ an activity director to direct consumer activities.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	A provider <b>shall</b> only provide ADS if the provider is an agency provider.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Every RN, LPN under the direction of an RN, social worker, physical therapist, physical therapy assistant, speech therapist, dietitian, occupational therapist, or occupational therapy assistant planning to practice as a personal care staff member <b>shall</b> possess a current, and valid license to practice in their profession.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Each activity director <b>shall</b> possess at least one of the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Each activity assistant <b>shall</b> possess at least one of the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Each personal care aide <b>shall</b> possess at least one of the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Each staff member who provides transportation to consumers <b>shall</b> comply with all requirements under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> retain records to show that each staff member who has in-person interaction with consumers complies with the staff qualifications under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Before each new personal care aide provides an ADS, the provider <b>shall</b> train the staff member on all of the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.1	Shall	Before each new personal care aide provides an ADS, the provider <b>shall</b> provide task-based training.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	Each staff member <b>shall</b> complete at least eight hours of in-service or continuing education on appropriate topics each calendar year, unless the staff person holds a professional certification that requires at least eight hours in order to maintain the certification.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> retain records showing that it complies with the training requirements under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	In doing so, the provider <b>shall</b> list the instructor's title, qualifications, and signature; date and time of instruction; content of the instruction; and name and signature of ADS personal care staff completing the training.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> complete a performance review of each staff member in relation to the staff member's job description.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> retain records to show that it complies with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall	The provider <b>shall</b> verify that each episode of adult day service for which it bills was provided by one of the following two methods:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.1	Prohibit	... <b>prohibit</b> a provider from using an electronic system or daily attendance roster to collect and retain the records this rule requires.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d, 3032c</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.2	Shall	In addition to complying with the mandatory clauses for provider agreements described in..., a chore service provider <b>shall</b> comply with the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.2	Shall	The provider <b>shall</b> retain a record of the chemicals or substances used for each job order.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.2	Shall	The provider <b>shall</b> furnish the list to the AAA upon request.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.2	Shall	The provider <b>shall</b> inform the consumer and the AAA of any specific health or safety risks expected during the job and coordinate times and dates to provide the service to ensure minimal risk of hazard to the consumer.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.2	Shall	The provider <b>shall</b> comply with any applicable local codes or ordinances in the performance of each job order.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.2	Shall	For each service performed, the provider <b>shall</b> retain a record of the consumer's name; service date; service description, including a comparison between tasks in the service plan and tasks provided, and whether the consumer or family caregiver consented to the service before it was provided; service units; name of each person in contact with the consumer; provider's signature; and consumer's signature.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.2	Shall	The provider <b>shall</b> retain records required under this rule and provide access to those records for monitoring according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.3	Shall	In addition to complying with the mandatory clauses for provider agreements described in..., a provider of a home-modification, home-maintenance, or home-repair service <b>shall</b> comply with the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.3	Shall	Before performing a home-maintenance, home-modification, or home-repair service, the provider <b>shall</b> :	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.3	Shall	If the service is a home-modification service, the provider <b>shall</b> obtain the written consent that indicates that the owner understands that the property will remain in the modified state after the consumer leaves the residence;	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.3	Shall	If, while performing a home-modification, home-maintenance, or home-repair service, the provider identifies an additional problem that requires immediate maintenance or repair that the provider should service in conjunction with the AAA's original job order, the provider <b>shall</b> obtain additional authorization from the AAA before performing the additional job.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.3	Shall	To obtain additional authorization, the provider <b>shall</b> notify the AAA of the nature of the problem, how the provider plans to remedy the problem, and the estimated cost to remedy the problem.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.3	Shall	The AAA has discretion to determine whether or not to authorize an additional unit of service for the additional job and <b>shall</b> notify the provider in writing or electronically if it authorizes an additional unit of service.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.3	Shall	After the provider completes the service, but before billing the AAA, the provider <b>shall</b> :	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.3	Shall	For each service performed, the provider <b>shall</b> retain a record of the consumer's name; service date; service description, including a comparison between tasks in the job order and tasks provided, and whether the consumer or family caregiver consented to the service before it was provided; service units; name of each person in contact with the consumer; PCA's signature; and consumer's signature.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.3	Shall	The provider <b>shall</b> retain records required under this rule and provide access to those records for monitoring according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	In addition to complying with the mandatory clauses for provider agreements described in..., an agency that provides a homemaker service <b>shall</b> comply with the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provide <b>shall</b> only perform a homemaker service in the consumer's home, with the exception of routine transportation tasks.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> maintain the capacity to provide a homemaker service at least five days per week and possess a back-up plan for providing the service when the provider has no aide unavailable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> maintain, and comply with, its policies and procedures.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	At a minimum, the policies and procedures <b>shall</b> address:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> make its policies and procedures available to any employee and to ODA (or ODA's designee) any time an employee or ODA (or ODA's designee) requests a policy or procedure.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.4	Shall	Before allowing an employee to have direct, act-to-face contact with a consumer, the provider <b>shall</b> provide orientation training to the aides or other employee that, at a minimum, addresses the expectations of employees, the employee code of ethics, an overview of the provider's personnel policies, incident reporting procedures, the agency's organization and lines of communication, and emergency procedures.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> retain records to show that each aide successfully completes eight hours of continuing education every twelve months, excluding agency orientation and program-specific orientation.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> employ at least one aide supervisor who:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	Before allowing an aide to begin providing a homemaker service to an individual consumer, the aide supervisor <b>shall</b> visit the consumer's home to define the expected activities of the aide and prepare a written care plan for consumer.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	After the aide provides subsequent homemaker services to the individual consumer, the aide supervisor <b>shall</b> evaluate compliance with the care plan, the consumer's satisfaction, and the aide's performance by conducting a visit to the consumer at least once every ninety-three days and retaining a record of this evaluation.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	In the record, the supervisor <b>shall</b> include the date of the visit, supervisor's name, the consumer's name, the consumer's signature, and supervisor's signature.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	For each service provided, the provider <b>shall</b> retain a record of the consumer's name; service date, arrival time, and departure time; service description; service units; name of each aide in contact with the consumer; provider's signature; and consumer's signature.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider shall retain records required under this rule and provide access to those records for monitoring according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	In addition to complying with the mandatory clauses for provider agreements described in..., a self-employed provider that provides a homemaker service <b>shall</b> comply with the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-3-06.4	Shall	The provider shall maintain the capacity to provide a homemaker service at least five days per week and possess a back-up plan for providing the service when he or she is unavailable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> record each episode of a homemaker service, including the date of service, the time of arrival, the time of departure, a description of the tasks performed, his or her signature, and the consumer's signature.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> retain records required under this rule and provide access to those records for monitoring according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	In addition to complying with the mandatory clauses for provider agreements described in..., a self-directed provider that provides a homemaker service <b>shall</b> comply with the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> maintain the capacity to provide a homemaker service at least five days per week and possess a back-up plan for providing the service when he or she is unavailable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider <b>shall</b> record each episode of a homemaker service, including the date of service, the time of arrival, the time of departure, a description of the tasks performed, his or her signature, and the consumer's signature.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.4	Shall	The provider shall retain records required under this rule and provide access to those records for monitoring according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	In addition to the requirements for all provider agreements under..., a personal care provider <b>shall</b> comply with the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	With the exception of any transportation services that are components of personal care, a provider <b>shall</b> only perform personal care in the consumer's home.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> maintain the capacity to provide personal care at least five days a week and possess a back-up plan for providing the service when the provider has no PCA available.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.5	Shall not	The provider <b>shall not</b> allow a person [to] serve as a PCA unless the provider retains records to show that the person satisfies the requirements of....	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	To qualify to be a PCA, the person <b>shall</b> complete the training and pass the evaluations in a nurse aide training and competency evaluation program (NATCEP) that addresses the nine subject areas outlined in...each of which are repeated below:	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	To satisfy..., the person <b>shall</b> complete the training and pass the evaluations in one or more of the following five categories of NATCEPs:	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> verify this by retaining the records of the site, dates and times of training, and a list of the instructional materials.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> verify this by retaining the names and credentials of each trainer and tester.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> verify this by retaining records of the testing results, the trainer's signature, and the tester's signature.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	Before allowing a person to begin serving as a PCA for the agency, the provider <b>shall</b> verify that the person is competent in the subject areas listed under..., as follows:	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	Except as permitted in..., if a NATCEP listed in... trained the person, a RN (or LPN under the direction of an RN) who works for the provider <b>shall</b> verify the person's competency by conducting written testing and skill testing by return demonstration upon the person.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	For each person the provider tests under this paragraph, the provider <b>shall</b> retain records to verify the testing site, the testing date the testing results, the name and credentials of the tester, and the tester's name, credentials, and signature.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.5	Shall	The provider <b>shall</b> maintain, and comply with, its policies and procedures.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	At a minimum, the policies and procedures <b>shall</b> address:	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> make its policies and procedures available to any employee and to ODA (or ODA's designee) any time an employee or ODA (or ODA's designee) requests a policy or procedure.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	Before allowing an employee to have direct, face-to-face contact with a consumer, the provider <b>shall</b> provide the PCA or other employee with orientation training that, at a minimum, addresses the expectations of employees, employee ethical standards, an overview of the provider's personnel policies, incident reporting procedures the provider's organization and lines of communication, and emergency procedures.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> conduct additional training and skill testing by return demonstration of PCAs who are expected to provide tasks that are not included in the subject areas listed under...	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> retain records to show that each PCA successfully completes eight hours of in-service continuing education every twelve months, excluding agency orientation and program-specific orientation.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> ensure that a PCA supervisor is available to respond to emergencies when the PCAs are scheduled to work.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> only allow a RN (or a LPN under the direction of an RN) to be the PCA supervisor, trainer, or tester.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	Before allowing PCA to begin providing personal care to an individual consumer, the PCA supervisor <b>shall</b> visit the consumer's home to define the expected activities of the PCA and prepare a written activity plan for the consumer.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.5	Shall	After the PCA's initial visit to the individual consumer, the PCA supervisor <b>shall</b> evaluate compliance with the activity plan, the consumer's satisfaction, and the PCA's performance by conducting a visit to the consumer at least once every sixty-two days and retaining a record of this evaluation.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	In the record, the PCA supervisor <b>shall</b> include the date of the visit, the PCA supervisor's name and signature, and the consumer's name and signature.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	To effectively monitor the delivery of services by its employees, each provider that is an agency provider <b>shall</b> use a monitoring system that complies with....	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	For each service performed, the provider <b>shall</b> retain a record of the consumer's name; service date, arrival time, and departure time; service description; service units; name of each PCA in contact with the consumer; PCA's signature; and consumer's signature.	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.5	Shall	The provider <b>shall</b> retain records required under this rule and provide access to those records for monitoring according to....	<ul style="list-style-type: none"> <li>•121.07, 121.36, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030d</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	In every AAA-provider agreement for transportation paid, in whole or in part with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in...for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	The agency provider <b>shall</b> possess a back-up plan for times when a driver or vehicle is unavailable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	A self-employed provider <b>shall</b> possess a back-up plan for times when he/she or his/her vehicle is unavailable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.6	Shall	In each AAA-provider agreement, the AAA <b>shall</b> list situations...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	...when drivers <b>shall</b> provide consumers with assistance to safely enter and exit vehicles, pick-up locations, and drop-off locations.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	The provider <b>shall</b> maintain vehicles according to the manufacturer's maintenance schedule for each vehicle used to transport consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	If the vehicle includes a wheelchair lift, the provider <b>shall</b> maintain the wheelchair lift according to the manufacturer's maintenance schedule for the wheelchair lift.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	The provider <b>shall</b> conduct the following inspections on each vehicle used to transport consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	If the vehicle includes a wheelchair lift, the providers inspection <b>shall</b> include inspecting the wheelchair lift:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	The provider <b>shall</b> only use a vehicle for transporting consumers if a mechanic who is certified by the national institute for automotive service excellence (i.e., "ASE-certified"), or another mechanic approved by the AAA, inspected it no more than twelve months before and the answers to all questions on the form were "yes."	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	The provider <b>shall</b> only use a vehicle if, before providing the first trip of the day, the provider inspected it and the answers to all questions required by the form were "yes."	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall not	The provider <b>shall not</b> hire a person to be a driver unless the person meets all the requirements for drivers under..., subject to the following conditions:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.6	Shall	To comply with the first-aid requirement, the applicant's training <b>shall</b> come from a training organization approved by the board of EMFTS....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	To comply with the cardiopulmonary-resuscitation requirement, the applicant's training <b>shall</b> come from a training organization approved by the board of EMFTS....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	To comply with the drug-testing requirement, the applicant's test result <b>shall</b> come from a CLIA-certified laboratory...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	... <b>shall</b> declare the applicant to be free of alcohol, amphetamines, cannabinoids (THC), cocaine, opiates, or phencyclidine (PCP).	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	To comply with the background-check requirement, the provider <b>shall</b> comply with the background-check requirements in Chapter 173-9 of the Administrative Code, which exempts an applicant for a volunteer driver position and an applicant for a position solely involving transporting consumers while working for a county transit system, regional transit authority, or regional transit commission.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall not	The provider <b>shall not</b> hire a person to be a driver unless the person meets all the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	No later than six months after the provider hires a driver, the driver <b>shall</b> successfully complete a passenger-assistance training course approved by the board of EMFTS....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-06.6	Shall	For each trip provided, the driver <b>shall</b> record the consumer's name; type of trip (transportation or assisted transportation); date of trip; pick-up point and time of the pick up; destination point and time of the drop off; driver's name, and a unique identifier of the consumer which by offering, the consumer attests to the completion of the trip. The consumer's unique identifier may include a handwritten or electronic signature or initials, a fingerprint, a mark, a stamp, a password, a bar code, or a swipe card.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	... <b>prohibit</b> a provider from using an electronic system to collect and retain the records required in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	Pursuant to..., the provider <b>shall</b> report information to the AAA on transportation provided.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-06.6	Shall	The unit rate in an AAA-provider agreement <b>shall</b> reflect the provider's fully-allocated costs, including administrative costs, training costs, and documentation costs.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392, 4766.14, 4766.15.</li> <li>•42 USC 3025, 3030d, 3032c, 3032e.</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	Each provider <b>shall</b> allow consumers to contribute toward the provision of goods and services paid, in whole or in part, with Older Americans Act funds, pursuant to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The provider may solicit consumers to contribute toward the cost of the good sand services they receive and <b>shall</b> encourage any consumer to contribute if the consumer's self-declared income is at, or above, one hundred eighty-five per cent of the federal poverty guidelines, which the United States department of health and human services establishes annually according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-07	Shall	The provider <b>shall</b> clearly inform each consumer that contributions are purely voluntary.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The provider <b>shall</b> protect the privacy of each consumer with respect to his or her contribution.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The provider <b>shall</b> safeguard and account for all voluntary contributions.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The provider <b>shall</b> use collected voluntary contributions to expand the goods or services for which consumers contributed and supplement (not supplant) Older Americans Act funds for those goods or services.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	Each AAA <b>shall</b> implement and administer a cost-sharing policy that includes all of the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The policy <b>shall</b> include the sliding-fee schedule below, which determines the percentage of the actual (or partial) contracted cost of a unit of a good or a service provided...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	...the AAA <b>shall</b> suggest that a consumer pay based upon the consumer's individual income as a percentage of the federal poverty guideline.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	Under no circumstances <b>shall</b> an AAA permit or require a consumer to participate in cost sharing when the consumer's income is below one hundred fifty per cent of the poverty guideline.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The policy <b>shall</b> include a requirement to determine the consumer's income solely by the consumer's self-declaration of income with no requirement for verification, and not consideration of the consumer's assets, savings, or other property.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-3-07	Shall	The policy <b>shall</b> include a procedure for collecting cost-sharing payments from consumers, including from consumers receiving consumer-directed services.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The policy <b>shall</b> include a requirement to widely distribute written materials to consumers that describe the requirements for cost sharing, the services subject to cost sharing the procedure for cost sharing, and the sliding-fee schedule published in this rule.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The written materials <b>shall</b> also state that a provider...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall not	... <b>shall not</b> deny any goods or services paid, in whole or in part, by Older Americans Act funds if the consumer fails to make a cost sharing payment towards those goods or services.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The policy <b>shall</b> include a requirement to provide a receipt to a consumer or caregiver who makes a payment.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The policy <b>shall</b> include a procedure for safeguarding and accounting for cost-sharing funds collected.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The policy <b>shall</b> include a requirement to retain records of all cost-sharing funds collected.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The policy <b>shall</b> include a requirement to keep the consumer's declaration of income (or non-declaration of income) and cost-sharing payment history confidential.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-07	Shall	The policy <b>shall</b> include a requirement to use the funds collected from cost sharing to expand the capacity to provide the service for which the funds were given	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-07	Shall	ODA <b>shall</b> approve the request if the AAA demonstrates to ODA, by a preponderance of the evidence, on or more of the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2.</li> <li>•45 CFR 75.403.</li> <li>•45 CFR 1321.11, 1321.53, 1321.65, 1321.67.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	AAAs and ODA <b>shall</b> honor all written hearing request subject to the conditions in this rule.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	Each AAA <b>shall</b> maintain in writing a process that allows a provider to appeal an adverse action related to an AAA-provider agreement ("agreement") paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	An AAA that conducts an administrative hearing <b>shall</b> forward a copy of the providers written request for the hearing and copy of the AAA's final decision on the matter to ODA no later than five days after the date the AAA renders its final decision.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	ODA <b>shall</b> only honor a request for an administrative hearing before ODA if the provider has full complied with the written process for appealing an adverse action by the AAA that committed the adverse action and if that AAA has rendered its final decision on the appeal.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	To request a hearing before ODA, the provider <b>shall</b> submit a written request to ODA's director no later than fifteen days after the date the AAA renders its final decision.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	In the request, the provider <b>shall</b> describe the adverse action the provider is appealing and why the provider believes the AAA's decision on the matter was in appropriate.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	After ODA receives the request for an administrative hearing, ODA <b>shall</b> , in a timely manner, schedule a hearing and elect a hearing officer to preside over the hearing.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	The hearing officer <b>shall</b> afford an adequate opportunity for both the provider and the AAA to present their positions and provide evidence, but may limit or terminate the discussion/testimony under any one or more of the following conditions:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	The hearing officer <b>shall</b> make an audio recording of the hearing...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	...or ODA <b>shall</b> pay a court reporter to record the hearing.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-3-09	Shall	The hearing officer <b>shall</b> review the testimony or evidence collected at the hearing...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	...and <b>shall</b> make a written recommendation to ODA regarding whether the AAA's action was appropriate.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	ODA <b>shall</b> render its final decision on the appeal no later than thirty days after the date of the hearing...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-3-09	Shall	...and <b>shall</b> send a copy of the decision, and the rationale for the decision, to the provider and the AAA.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-03	Shall	Before enrolling the consumer into a congregate dining project or congregate dining project based in restaurants or supermarkets, the provider <b>shall</b> verify that a consumer's congregate meals are eligible for payment, in whole or in part, with Older Americans Act funds according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f.</li> <li>•45 CFR 1321.11, 1321.17, 1321.69.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-03	Shall	Before enrolling a consumer into a home-delivered meals project, the provider <b>shall</b> verify that his or her home-delivered meals are eligible for payment, in whole or in part, with Older Americans Act funds according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f.</li> <li>•45 CFR 1321.11, 1321.17, 1321.69.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-03	Shall not	The provider <b>shall not</b> keep a consumer enrolled in a home-delivered meals project for more than one year unless, at least once annually, the provider verifies the consumer's home-delivered meals continue to be eligible for payment, in whole or in part, with Older Americans Act funds, according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f.</li> <li>•45 CFR 1321.11, 1321.17, 1321.69.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-03	Shall	If a waiting list exists for enrolling into a congregate dining project,, congregate dining project base din restaurants or supermarkets, or a home-delivered meals project, the provider or the AAA <b>shall</b> develop a prioritization system that distributed meals equitably by prioritizing consumers who are determined to have the highest nutritional risk.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f.</li> <li>•45 CFR 1321.11, 1321.17, 1321.69.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-03	Shall	The provider <b>shall</b> base the consumer's nutritional risk status upon the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f.</li> <li>•45 CFR 1321.11, 1321.17, 1321.69.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	When an AAA procures for congregate dining project(s) or home-delivered meals project(s), the AAA <b>shall</b> comply with...and also require the project(s) to include person direction.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-04	Shall	Each AAA <b>shall</b> procure for person direction one of the following two methods:	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	The AAA <b>shall</b> allow the highest level(s) of person direction that providers offer in bid(s) to determine what are responsive level(s) of person direction for its PSA.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	The AAA <b>shall</b> indicate in the RFP that, in all responsible bids,...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	...the provider <b>shall</b> explain...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	...how it <b>shall</b> offer person direction.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	The AAA <b>shall</b> award AAA-provider agreement(s) to the provider(s) offering the most-responsive bid(s).	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	The AAA shall include a score on the level of person direction each provider's bid offers in the score determining the lowest responsible bid.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	The AAA <b>shall</b> determine the level of person direction providers in the PSA are capable of offering.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall not	The AAA <b>shall not</b> base its calculations of this level solely upon the willingness of providers who are currently in AAA-provider agreements within the AAA.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	The AAA <b>shall</b> indicate in the RFP that, in all responsible bids,...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	...the provider <b>shall</b> explain...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	...how it <b>shall</b> meet or exceed the level of person direction the AAA determined providers in the PSA are capable of offering.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law
173-4-04	Shall	The AAA <b>shall</b> include a score on the level of person direction each provider's bid offers in the score determining the lowest responsible bid.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law

173-4-05	Shall	In every AAA-provider agreement for a nutrition project paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in...for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	If the AAA-provider agreement is for a congregate dining project, the AAA <b>shall</b> include the requirements in...in the AAA-provider agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	If the AAA-provider agreement is for a home-delivered meals project, the AAA <b>shall</b> include the requirements in...in the AAA-provider agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	If the AAA-provider agreement is for a congregate dining project based in restaurants and grocery stores, the AAA <b>shall</b> include the requirements in...in the AAA-provider agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	If the AAA procured for components of a nutrition project separately, the AAA <b>shall</b> identify in each provider's AAA-provider agreement, which requirements in...each provider is required to provide.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> offer nutrition health screening to consumers at least annually.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	In the AAA-provider agreement, the AAA <b>shall</b> indicate if the provider...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	... <b>shall</b> offer nutrition counseling or nutrition education to consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-05	Shall	In the AAA-provider agreement, the AAA <b>shall</b> indicate if the provider...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	... <b>shall</b> offer grocery shopping assistance or grocery ordering and delivery to consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> determine the eligibility of each consumer before paying for their meals, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> comply with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	In the AAA-provider agreement, the AAA <b>shall</b> require the provider to implement the person direction the provider pledged to provide when the provider bid for the AAA-provider agreement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> offer consumers opportunities to give feedback on current and future menus.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> only offer menus approved by a dietitian.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	In the AAA-provider agreement, the AAA <b>shall</b> indicate the method by which the provider...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	... <b>shall</b> offer ingredient information on the meals provided to consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-05	Shall	The provider <b>shall</b> list the serving size for each food item on each production menu.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	For each mealtime, the provider <b>shall</b> offer meals that satisfy at least one-third of the dietary reference intakes (DRIs).	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> target nutrient levels based on the predominant population and health characteristics of the consumers in the PSA.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	For each mealtime, the provider <b>shall</b> offer meals that follow the....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Prohibit	... <b>prohibit</b> the provider from adjusting the nutritional-adequacy requirements for meals in..., to the maximum extent practicable, to meet any special dietary needs of consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> limit the provider's flexibility in designing meals that are appealing to consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Prohibit	... <b>prohibit</b> the provider from using either nutrient analysis or menu patterns to determine nutritional adequacy.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-05	Shall	If the AAA-provider agreement requires the provider to offer consumers therapeutic diets, medical food, or food for special dietary use, the provider <b>shall</b> comply with the requirements in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall not	The provider <b>shall not</b> pay for multi-vitamins or mineral supplements, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	In the AAA-provider agreement, the AAA <b>shall</b> indicate whether the United States department of agriculture, Ohio department of agriculture, another states department of agriculture, or a local health district has jurisdiction to monitor the provider's compliance with food-safety laws, including sanitation, food temperatures, thermometers, food-borne illnesses, packaging, and dating meals.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	In the AAA-provider agreement, the AAA <b>shall</b> indicate that it is responsible for reporting any reasonable cause to believe a provider is out of compliance with food-safety laws to the government authority identified in the AAA-provider agreement to comply with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> develop a training plan that includes orientation and annual continuing education.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> assure that each employee, including each volunteer, who participates in meal preparation, handling, or delivery receives orientation on topics relevant to the employee's job duties before the employee performs those duties.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> assure that each employee, including a volunteer, who participates in meal preparation, handling, or delivery completes continuing education each on topics relevant to the employee's job duties.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05	Shall	The provider <b>shall</b> make, and retain, a written record of each employee's completion of orientation and continuing education.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-4-05	Shall	The record <b>shall</b> include the topics covered during the orientation and continuing education.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030c-2, 3030e, 3030f, 3030g-21.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	In every AAA-provider agreement for a congregate dining project paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	In every AAA-provider agreement, the AAA <b>shall</b> include the requirements in...for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in rule...for every AAA-provider agreement for a nutrition project.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	The provider <b>shall</b> keep at least one congregate dining location in its nutrition project open for business to provide meals for at least one mealtime (i.e., a breakfast, lunch, or dinner) per day to consumers on five or more days per week unless the AAA obtains ODA's approval to enter into an AAA-provider agreement that allows fewer days per week.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Prohibit	... <b>prohibit</b> the provider from offering meals in different congregate dining locations on different days rather than have every congregate dining location open for at least five days per week.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall not	Older Americans Act Title III-C1 funds <b>shall not</b> pay, in whole or in part, for regularly-provided carry-out meals provided at congregate dining locations, but may pay for occasional carry-out meals, including meals sent home with consumers to prepare for an anticipated closing of congregate dining locations for weather-related emergencies.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	The provider <b>shall</b> give those consumers enrolled in its congregate dining project reasonable notice before a scheduled mealtime when a congregate dining location will be closed due to weather-related emergencies, loss of power kitchen malfunctions, natural disasters, etc.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-05.1	Shall	Providers <b>shall</b> notify consumers by using broadcast media,, by using its website, by telephone, or by any combination of the three.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	To prepare for emergency closings, the provider <b>shall</b> distribute information to consumers on how to stock an emergency food shelf.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	Each year, the provider <b>shall</b> implement a plan to evaluate and improve the effectiveness of the project's operations and services to ensure continuous improvement.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	In the plan, the provider <b>shall</b> include a review of the existing project; modifications the provider made to respond to changing needs or interest of consumers, staff, or volunteers; and proposed improvements.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> prohibit a provider from using an electronic system to collect and retain the records showing compliance with the continuous-improvement requirements in this rule.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall	By one of the following methods, the provider <b>shall</b> verify that each meal for which it bills was provided:	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.1	Prohibit	... <b>prohibit</b> a provider from using an electronic system to collect and retain the records this rule requires.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	In every AAA-provider agreement for a home-delivered meals project paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirement in...for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirement...for every AAA-provider agreement for a nutrition project.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	To consumers who choose to receive per-meal deliveries and require meals on five or more days per week, the provider <b>shall</b> deliver at least one meal per day for five or more days per week.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030g-21. •45 CFR 1321.11, 1321.65	Yes, both state and federal law	Yes, both state and federal law

173-4-05.2	Shall	To consumers who choose to receive per-meal deliveries, but do not require meals on fie or more days per week, the provider <b>shall</b> deliver at least one meal per day on days that the consumer requires meals.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall not	To consumers who choose periodic deliveries, in the AAA-provider agreement, the AAA <b>shall not</b> prohibit the provider from, in one delivery, delivering meals to cover multiple mealtimes.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	The provider <b>shall</b> only deliver meals to the consumer's home when the consumer, or the consumer's caregiver, is home, unless otherwise authorized by the AAA.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	The provider <b>shall</b> develop and implement written contingency procedures for emergency closings due to short-term weather-related emergencies loss of power, kitchen malfunctions, natural disasters, etc.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	In the procedures, the provider <b>shall</b> include the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	Each year, the provider <b>shall</b> implement a plan to evaluate and improve the effectiveness of the project's operations and services to ensure continuous improvement.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	In the plan, the provider <b>shall</b> include a review of the existing project; modifications the provider made to respond to changing needs or interest of consumers, staff, or volunteers; and proposed improvements.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> prohibit a provider from using an electronic system to collect and retain the records showing compliance with the continuous-improvement requirements in this rule.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	The provider <b>shall</b> verify each meal delivery for which it bills the AAA using either an electronic or manual system.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	Regardless of the system used, the provider <b>shall</b> collect all the following information:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Shall	The identifier in... <b>shall</b> serve as an attestation that delivery was made as indicated by the system.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-05.2	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.2	Require	... <b>require</b> the provider to use a particular system.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	In every AAA-provider agreement for a congregate dining project based in restaurants or grocery stores paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in...for every AAA-provider agreement for a nutrition project.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider <b>shall</b> use one of the following three methods to verify consumers' eligibility when complying with the eligibility-verification requirements in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider that uses this method <b>shall</b> register each consumer that it serves and issue the consumer an identification card.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	When the consumer visits the restaurant or grocery store, the consumer <b>shall</b> show the identification card to the designated staff person at the restaurant or grocery store to receive a prepared meal or to select a prepared meal from a menu of meals that comply with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider that uses this method <b>shall</b> register each consumer that it serves and issue the consumer a voucher.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	At the time the vouchers are received, the provider or AAA <b>shall</b> provide the consumer with the opportunity to voluntarily contribute to the cost of the meal.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	When the consumer visits the restaurant or grocery store, the consumer <b>shall</b> provide a voucher to the designated staff person at the restaurant or grocery store to receive a prepared meal or to select a prepared meal from a menu of meals that meet the meal requirements established in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-05.3	Shall	Before providing a consumer his or her first meal, the provider that uses this method <b>shall</b> verify that the consumer is at least sixty years of age, have the consumer sign in, provide information that the AAA will need for reporting, and to obtain a disclosure signature from the consumer.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider <b>shall</b> provide the AAA with this information.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider <b>shall</b> also regularly provide the AAA with records that identify each consumer the provider has served and the number of meals that the provider has served to each consumer.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider <b>shall</b> use one of the following two methods for soliciting consumer contributions when complying with the consumer-contribution requirements in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	If the provider uses the consumer identification method in..., the provider <b>shall</b> solicit the consumer to voluntarily contribute to the cost of the meals when the provider provides the meals.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	If the provider uses the method in..., the provider <b>shall</b> solicit the consumer to voluntarily contribute to the cost of the meals when the provider provides the vouchers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider <b>shall</b> distribute information to consumers on how to stock an emergency food shelf.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider <b>shall</b> elicit comments from consumers on dining environments, food appearance, type of food, food temperatures, and staff professionalism.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall	The provider <b>shall</b> verify that each meal for which it bills was delivered by one of the following two methods:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-05.3	Prohibit	... <b>prohibit</b> a provider from using an electronic system to collect and retain the records this rule requires.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030g-21.</li> <li>•45 CFR 1321.11, 1321.65</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-06	Shall	In every AAA-provider agreement for therapeutic diets, medical meals, or food for a special dietary use paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-06	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-06	Shall	The provider <b>shall</b> only provide a therapeutic diet, medical food, or food for special dietary use to a consumer if the provider received a diet order for the consumer.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-06	Shall	If the therapeutic diet is a dysphagia nutritive regimen, the provider <b>shall</b> only provide the therapeutic diet if the diet order indicates whether the consumer requires thickening agents in his or her drinks, soups, etc. and indicates whether the consumer requires a level-one (puréed) or level-two (chopped or ground) dysphagia therapeutic diet.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-06	Shall	The provider <b>shall</b> provide a therapeutic diet, medical food, or food for special dietary use to the consumer identified in the diet order for the shorter of the following two durations:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-06	Shall	If the provider receives an updated diet order before the expiration of a current diet order, the provider <b>shall</b> provide the therapeutic diet, medical food, or food for special dietary use according to the updated diet order.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-06	Shall	The provider <b>shall</b> assure the therapeutic diet contains nutrients consistent with the diet order by either utilizing nutrient analysis or by using a meal-pattern plan approved by a dietitian.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-06	Shall	The provider <b>shall</b> only provide a therapeutic diet, medical food, or food for special dietary use if the provider (or, if the consumer is in a care-coordination program, the AAA), retains a copy of the diet order.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-06	Shall	The provider <b>shall</b> determine the need, feasibility, and cost-effectiveness of offering a therapeutic diet, medical food, or food for special dietary use by consulting with a licensed dietitian.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-06	Shall	A provider <b>shall</b> only provide medical food and food for a special dietary use if the provider relies upon the oversight of a dietitian when providing medical food or food for a special dietary use.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•21 USC 360ee.</li> <li>•42 USC 3025, 3030a, 3030g-21.</li> <li>•21 CFR 105.3.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	In every AAA-provider agreement for nutritional counseling paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	Only a licensed dietitian ("dietitian") working for an agency provider, or a licensed dietitian working as a self-employed provider <b>shall</b> provide counseling to consumers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall not	The provider <b>shall not</b> provide counseling in excess of the amount the licensed healthcare professional ordered.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall not	The provider <b>shall not</b> provide counseling to a consumer's caregiver unless the licensed healthcare professional also ordered counseling for the consumer's caregiver to improve the caregiver's care to the consumer.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall not	The provider <b>shall not</b> provide counseling in excess of any limits the AAA establishes.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	The provider <b>shall</b> conduct the initial counseling session as a face-to-face session.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-07	Shall	The provider <b>shall</b> conduct subsequent sessions on a face-to-face basis or by a telecommunication system.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	During the initial counseling session, the provider <b>shall</b> conduct an assessment of the consumer's nutritional intake, anthropometric measurements, biochemical values, physical and metabolic parameters, socio-economic factors, current medical diagnosis and medications, pathophysiological processes, and access to food and food-assistance programs.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	The provider <b>shall</b> develop a nutrition intervention plan based upon the initial assessment and, if the provider conducts subsequent assessments, the subsequent assessments.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	The plan <b>shall</b> include all the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	No more than seven days after the provider sends the assessment to the licensed healthcare professional who ordered the counseling, the provider <b>shall</b> forward the nutrition intervention plan to the same professional and, if the consumer is in a care-coordination program, to the consumer's case manager.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	The provider <b>shall</b> provide reports on the intervention plan's implementation and the consumer's outcomes to the licensed healthcare professional who ordered the counseling and, if the consumer is in a care-coordination program, to the consumer's case manager.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-07	Shall	By one of the following two methods, the provider <b>shall</b> verify that each consultation for which it bills was provided:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	In every AAA-provider agreement for nutrition education paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-4-08	Shall	The provide <b>shall</b> distribute education materials that the AAA's licensed dietitian has approved as promoting better health by providing consumers or caregiver with accurate and culturally-sensitive information and instruction on nutrition, physical activity, food safety, or disease prevention and as being tailored to consumer's needs, interest, and abilities (including literacy levels).	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	The provider <b>shall</b> implement a methodology for evaluating the effectiveness of its nutritional education that has the AAA's approval before the provider implements it.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	The provide <b>shall</b> retain records of all evaluations that it completes using the methodology in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	In the AAA-provider agreement, the AAA <b>shall</b> require the provider to provide nutrition education according to one of the following three options:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	If the AAA-provider agreement requires the provider to offer nutrition education through a congregate dining project, the provider <b>shall</b> comply with the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	The provider <b>shall</b> offer nutrition education in group sessions.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	For each unit of service, the provider <b>shall</b> record each consumer's name (e.g., in a list); the service date and duration of service; the educational topic; the service nits; the instructor's name; and the instructor's signature attesting to the accuracy of the record.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-08	Shall	If the AAA-provider agreement requires the provider to offer nutrition education through a home-delivered meal project or congregate dining project based in restaurants or supermarkets, the provider <b>shall</b> retain a record to show the number of consumers who received the educational materials, the service date, the topic of the educational materials, and the provider's signature.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-4-09	Shall	In every AAA-provider agreement for nutrition health screening paid, in whole or in part, with Older Americans Act funds, the AAA shall include the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.392.</li> <li>•42 USC 3025, 3030e, 3030f, 3030g-21</li> <li>•45 CFR 1321.11, 1321.65.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-4-09	Shall	In the AAA-provider agreement, the AAA shall include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-09	Shall	The provider shall use form ODA0010 to screen consumers for nutritional risks.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-09	Shall	If a screening determines a consumer to be at high nutritional risk, the provider <b>shall</b> refer the consumer to providers of home and community-based good and services with potential for reducing the risk.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-09	Shall not	The AAA-provider agreement <b>shall not</b> require the provider to document the identity of providers to whom it made referrals.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-09	Shall	For each screening, the provider <b>shall</b> retain records to verify the date of the screening, the consumer's name, the provider's name, and an indication of whether the consumer is at high nutritional risk.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-10	Shall	In every AAA-provider agreement for grocery shopping assistance paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-10	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-10	Shall	In the AAA-provider agreement, the AAA <b>shall</b> indicate the extent to which...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-10	Shall	...the provider <b>shall</b> transfer the groceries the consumer purchases, whether from the grocery store to the vehicle, from the shopping cart to the vehicle, from the vehicle to the consumer's home, or a combination of the three.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-10	Shall	No older Americans Act funds, other than funds from Title III-B of the Older Americans Act, shall pay for grocery ordering and delivery.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-10	Shall	For each episode of assistance, the provider <b>shall</b> retain a record of the consumer's name; service date; pick-up time and location; drop-off time and location; service units; provider's signature; an consumer's signature.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law

173-4-10	Shall	No Older Americans Act funds <b>shall</b> pay for groceries.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-10	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-10	Prohibit	... <b>prohibit</b> the provider from using an electronic system to collect and retain the items in....	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-11	Shall	In every AAA-provider agreement for grocery ordering and delivery paid, in whole or in part, with Older Americans Act funds, the AAA <b>shall</b> include the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-11	Shall	In the AAA-provider agreement, the AAA <b>shall</b> include the requirements in...for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-11	Shall	No older Americans Act funds, other than funds from Title III-B of the Older Americans Act, <b>shall</b> pay for grocery ordering and delivery.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-11	Shall	No Older Americans Act funds <b>shall</b> pay for groceries.	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-11	Shall not	In the AAA-provider agreement, the AAA <b>shall not</b> ...	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-4-11	Prohibit	... <b>prohibit</b> the provider from using a technology-based system to collect and retain the items in....	•121.07, 173.01, 173.02, 173.39, 173.392. •42 USC 3025, 3030e, 3030f, 3030g-21 •45 CFR 1321.11, 1321.65.	Yes, both state and federal law	Yes, both state and federal law
173-6-03	Shall	If ODA did not automatically enroll an Ohio resident who is sixty years of age or older,, and the person wants to enroll n the golden buckeye program, the person <b>shall</b> visit a sign-up site to apply in person.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	To apply, the person <b>shall</b> do the following:	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	After a sign-up site receives an application, it <b>shall</b> do the following:	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	The sign-up site <b>shall</b> verify the person completed and signed the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	The sign-up site <b>shall</b> verify the person is sixty years of age or older and a resident of Ohio by documenting the source of information....	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law

173-6-03	Shall	The sign-up site <b>shall</b> identify itself on the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	On the application, the sign-up site <b>shall</b> write the initials of the staff person at the sign-up site who processed the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	The sign-up site <b>shall</b> mail, email, or fax the completed application to the processing location listed on the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	The sign-up site <b>shall</b> do so in less than one week after it receives the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	After ODA receives an application from a sign-up site, it <b>shall</b> do the following:	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	ODA <b>shall</b> verify the sign-up site complied with....	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	ODA <b>shall</b> issue a golden buckeye card to the eligible person.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall	After a person is issued a golden buckeye card, the cardholder <b>shall</b> sign the card.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-03	Shall not	A cardholder <b>shall not</b> transfer a golden buckeye card to any other person.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	The sign-up site <b>shall</b> mail, email, or fax the signed, completed application to the processing location identified on the application less than one week after it receives the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	After ODA receives the application from a sign-up site, it <b>shall</b> do the following:	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	After ODA issues a golden buckeye card to a person, the cardholder <b>shall</b> sign the card.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall not	A cardholder <b>shall not</b> transfer a golden buckeye card to any other person.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	If an Ohio resident who is eighteen to fifty-nine years of age who is also a person with a permanent and total disability chooses to apply for the golden buckeye program, the person <b>shall</b> visit a sign-up site to apply in person.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	To apply, the person <b>shall</b> do all of the following:	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	After a sign-up site receives an application from a person who is eighteen to fifty-nine years of age who is a person with a disability, it <b>shall</b> do the following:	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	The sign-up site <b>shall</b> verify the application has been completed and signed.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	The sign-up site <b>shall</b> verify the person is eighteen to fifty-nine years of age by documenting the source of information...on the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law

173-6-04	Shall	The sign-up site <b>shall</b> verify the person is a person with a disability by documenting the source of information...on the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	The sign-up site <b>shall</b> identify itself on the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-04	Shall	On the application, the sign-up site <b>shall</b> write the initials of the staff person at the site who processed the application.	121.07, 173.01, 173.02, 173.06	Yes, state law	Yes, state law
173-6-05	Shall	To begin participating in the golden buckeye program, a business <b>shall</b> complete a business participation agreement ("agreement") on...and click "submit" to submit the completed agreement to ODA.	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-6-05	Shall	To complete the agreement, the business <b>shall</b> provide all the following information:	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-6-05	Shall	If a business with multiple locations intends to offer uniform benefits or discounts at each location, the business <b>shall</b> complete one agreement to represent all locations.	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-6-05	Shall	If a business with multiple locations does not intend to offer uniform benefits or discounts at each location, the business <b>shall</b> complete a separate agreement for each location.	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-6-05	Shall	After a business submits an agreement, ODA <b>shall</b> determine if the business may participate in the golden buckeye program.	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-6-05	Shall	If ODA agrees to allow the business to participate in the program, ODA <b>shall</b> also determine the business's effective date for participating in the program.	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-6-05	Shall	In such a case, ODA <b>shall</b> make the business aware of the cancellation by mailing a written notice to the business.	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-6-07	Shall	Any governmental agency or non-profit organization receiving cardholder records <b>shall</b> only use cardholder records to inform cardholders of the programs or services of the governmental agency or non-profit organization.	121.07, 173.01, 173.02, 173.06, 173.061	Yes, state law	Yes, state law
173-6-07	Shall	ODA <b>shall</b> only release information in cardholder records not containing a cardholder's medical history.	121.07, 173.01, 173.02, 173.06, 173.061	Yes, state law	Yes, state law
173-6-08	Shall	If ODA enters into an agreement, in the agreement, ODA <b>shall</b> indicate which of ODA's administrative duties...	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-6-08	Shall	...the ODA's administrator <b>shall</b> perform.	121.07, 173.01, 173.02, 173.06	No, general rulemaking authority	No, general rulemaking authority
173-9-02	Shall	If the person provides a subsequent episode of service to the same consumer (or individual) or to another consumer (or individual) who is enrolled in an ODA-administered program, the person <b>shall</b> undergo subsequent (post-hire) database reviews and criminal records checks.	•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392. •42 USC 3025. •42 CFR 441.352, 460.68, 460.71. •45 CFR 1321.11.	Yes, both state and federal law	Yes, both state and federal law

173-9-03	Shall	If the applicant or employee does not present proof that he or she has been a resident of Ohio for the five-year period immediately preceding the date of the database review, the responsible party <b>shall</b> conduct a database review of the nurse aide registry in the state or states in which the applicant or employee lived.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03	Shall	The responsible party <b>shall</b> review each applicant's (pre-hire) status in the databases before conducting the criminal records check that ....requires for applicants.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03	Shall	The responsible party <b>shall</b> review each employee's (post-hire) status in the databases before conducting the criminal records check that ...requires for employees.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee if the applicant's or employee's status in the databases reveals the following that one or more of the databases in...lists the applicant or employee or the databases in...lists the applicant or employee as a person who neglected or abused a long-term care facility resident or residential care facility resident or misappropriated such a resident's property.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03	Shall	Any time this rule requires a responsible party to review an applicant's (pre-hire) or employee's (post-hire) status in databases, the responsible party <b>shall</b> review the databases listed in...	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03	Shall	If the responsible party's database reviews reveal that the applicant or employee is disqualified, the responsible party <b>shall</b> inform the applicant or employee of the disqualifying information.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03.1	Shall	Any time this rule requires a responsible party to review a self-employed provider's status in databases, the responsible party <b>shall</b> review the databases listed in....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-03.1	Shall	If the applicant or employee does not present proof that he or she has been a resident of Ohio for the five-year period immediately preceding the date of the database review, the responsible party <b>shall</b> conduct a database review of the nurse aide registry in the state or states in which the applicant or employee lived.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03.1	Shall	When the self-employed provider applies to become ODA-certified or bids for an AAA-provider agreement, the responsible party <b>shall</b> review the self-employed provider's status in the databases before checking the self-employed provider's criminal records.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03.1	Shall	But, the responsible party <b>shall</b> review the self-employed provider's status in the databases no less often than each time that the responsible party conducts a criminal records check according to one of the schedules in....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-03.1	Shall	No responsible party <b>shall</b> certify a self-employed provider to provide a direct-care service, enter into an AAA-provider agreement with a self-employed provider, fail to terminate an AAA-provider agreement with a self-employed provider, or fail to revoke a self-employed provider's certification, if the self-employed person's status in the databases reveals that one or more of the databases in...lists the self-employed provider or the database in...lists the self-employed provider as a person who neglected or abused a long-term care facility resident or residential care facility resident or misappropriated such a resident's property.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	The responsible party <b>shall</b> conduct database reviews on each applicant (pre-hire) and each employee (post-hire) before conducting a criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall not	If the database reviews disqualify the applicant or employee, the responsible party <b>shall not</b> conduct a criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-04	Shall	If the database reviews did not disqualify the applicant or employee, the responsible party <b>shall</b> conduct a criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	The responsible party <b>shall</b> conduct a criminal records check on each applicant.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	The responsible party <b>shall</b> do so even if...would not require the responsible party to check the person again after the responsible party hired the applicant.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	According to one of the following three schedules, the responsible party <b>shall</b> conduct a criminal records check on each employee at least once every five years:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	If the responsible party hired the employee before January 1, 2008, the responsible party <b>shall</b> conduct a criminal records check on the employee no later than thirty days after the 2013 anniversary of the employee's date of hire and no later than thirty days after reach five-year anniversary after 2013.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	If the responsible party hired the employee on or after January 1, 2008, the responsible party <b>shall</b> conduct a criminal records heck on the employee no later than thirty days after the fifth anniversary of the employee's date of hire and no later than thirty days after each five-year anniversary.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Must	If an applicant or employee does not provide the responsible party with evidence that he or she has been a resident of Ohio for the five-year period immediately preceding the date the responsible party <b>must</b> request a criminal records check, or if the applicant or employee does not provide the responsible party with evidence that BCII has requested his or her criminal records from the BIA within the five-year period immediately preceding the date the responsible party requests the criminal records check,...	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-9-04	Shall	...the responsible party <b>shall</b> request that BCII obtain criminal records from the FBI as part of the criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	When an applicant initially applies for a paid direct-care position (or when an employment service initially refers an applicant to a responsible party), the responsible party <b>shall</b> inform the applicant of the following:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	If the responsible party gives the applicant final consideration for hiring into the position, the following <b>shall</b> happen:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	The responsible party <b>shall</b> review the applicant's status in the databases listed in....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall not	Unless the database reviews reveal that the responsible party shall not hire the applicant,...	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	...the responsible party <b>shall</b> conduct a criminal records check...	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	...and the applicant <b>shall</b> provide a set of his or her fingerprints as part of the criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-04	Shall	If the responsible party hires the applicant, as a condition to retain the position, the responsible party <b>shall</b> conduct post-hire database reviews and criminal records checks according to one of the three schedules listed under....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	If the responsible party intends to charge the applicant the fees, the responsible party <b>shall</b> inform the applicant of the fees at the time of application.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	The responsible party <b>shall</b> pay BCII the fees...for each criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04	Shall	The responsible party <b>shall</b> obtain the completed fingerprints and forms, then forward them to BCII for processing.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	The responsible party <b>shall</b> review databases on a self-employed provider before checking the self-employed provider's criminal records.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall not	If the database reviews disqualify the self-employed provider, the responsible party <b>shall not</b> conduct a criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	If the database reviews did not disqualify the self-employed provider, the responsible party <b>shall</b> conduct a criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-04.1	Shall	When a self-employed provider applies to become ODA-certified, or before bidding for an agreement, the responsible party <b>shall</b> check the self-employed provider's criminal records.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	After becoming ODA-certified, or after entering into an agreement, the responsible party <b>shall</b> check the self-employed providers criminal records at least once every five years, unless the self-employed provider's direct-care position is listed under....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	If the self-employed provider became an ODA-certified provider or entered into an agreement with ODA (or an area agency on aging) before January 1, 2008, the responsible party <b>shall</b> conduct a criminal records check on the self-employed provider no later than thirty days after the 2013 anniversary of the self-employed provider's certification or agreement, and no later than thirty days after each anniversary every five years after 2013.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	If the self-employed provider became an ODA-certified provider or entered into an agreement with ODA (or an area agency on aging) on or after January 1, 2008, the responsible party <b>shall</b> conduct a criminal records check on the self-employed provider no later than thirty days after the fifth anniversary of the self-employed provider's certification or agreement and no later than thirty days after each five-year anniversary.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Must	If a self-employed provider has not been a resident of Ohio for the five-year period immediately preceding the date the responsible party <b>must</b> check criminal records,...	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	...the responsible party <b>shall</b> request that BCII also obtain the FBI's criminal records.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-04.1	Shall	The responsible party <b>shall</b> pay to BCII the fees that...authorize for each criminal records check.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Require	Unless the procedures that BCII established in... <b>require</b> providing fingerprints electronically and requesting criminal records electronically,...	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	...the responsible party <b>shall</b> complete the following two tasks:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	The responsible party <b>shall</b> use the form(s) that BCII requires in....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-04.1	Shall	The responsible party <b>shall</b> forward the completed fingerprints and forms to BCII for processing.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-05	Shall not	The responsible party <b>shall not</b> conditionally hire an applicant unless the responsible party conducted database reviews and the applicant's status in the databases was not disqualifying.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-05	Shall not	The responsible party <b>shall not</b> conditionally hire an applicant unless the responsible party requests a criminal records check before the following deadlines:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-05	Shall not	If the responsible party requires the applicant to provide his or her fingerprints directly to BCII by using "WebCheck," the responsible party <b>shall not</b> conditionally hire the applicant until the applicant provides his or her fingerprints to a "WebCheck" vendor.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-05	Shall not	If the responsible party does not require the applicant to provide his or her fingerprints directly to BCII by using "WebCheck," the responsible party <b>shall not</b> conditionally hire the applicant until the responsible party receives the applicant's fingerprints on a completed fingerprint impression sheet.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-05	Shall	If the responsible party conditionally hires the applicant after obtaining the fingerprint impression sheet, the responsible party <b>shall</b> provide the sheet to BCII no later than five business days after the responsible party conditionally hires the applicant.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-05	Shall	If a responsible party conditionally hires an applicant that an employment service referred to the responsible party, the employment service <b>shall</b> promptly forward the criminal records to the responsible party when the employment service receives the criminal records.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-05	Shall	The responsible party <b>shall</b> release the conditionally-hired applicant from a paid direct-care position if more than sixty days passed since the day the responsible party requested a ( <i>sic</i> ) criminal records and the responsible party has not yet received the criminal records.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-05	Shall	The responsible party <b>shall</b> release the conditionally-hired applicant if the applicant's criminal record lists a disqualifying offense, unless the responsible party is able and willing to hire the applicant under the terms of....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-05	Shall	If the responsible party is unable or unwilling to hire an applicant with a disqualifying offense on his or her criminal record, the responsible party <b>shall</b> release the conditionally-hired applicant regardless of the day during the sixty-day period that the responsible party received the criminal records.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-06	Shall	Except as established in..., no responsible party <b>shall</b> hire an applicant, retain an employee, certify a self-employed provider, fail to revoke a self-employed person's certification enter into an AAA-provider agreement (agreement) with a self-employed provider or fail to terminate that agreement if the applicant, employee, or self-employed provider was convicted of, or pleaded guilty to, a violation of any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-06	Shall	Except as established in..., no responsible party <b>shall</b> hire an applicant, retain an employee, certify a self-employed provider, fail to revoke a self-employed person's certification enter into an AAA-provider agreement (agreement) with a self-employed provider, or fail to terminate that agreement, if the applicant, employee, or self-employed provider was convicted of a violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in.....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee if the applicant or employee was convicted of, or pleaded guilty to an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee for a period of ten years from the date the applicant or employee was fully discharged from all imprisonment, probation, or parole, if the applicant or employee was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee for a period of seven years from the date the applicant or employee was fully discharged from all imprisonment, probation, or parole, if the applicant or employee was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-07	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee for a period of five years from the date the applicant or employee was fully discharged from all imprisonment, probation, or parole, if the applicant or employee was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07.1	Shall not	A responsible party <b>shall not</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an AAA-provider agreement (agreement), or terminate that agreement solely because the self-employed provider has a disqualifying offense on his or her criminal record if no exclusionary period under...prohibits certification or an agreement, the limited grandfathering...applies, the self-employed provider attained a certificate under..., or the self-employed provider attained a pardon under....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07.1	Shall not	A responsible party <b>shall not</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an AAA-provider agreement (agreement), or terminate that agreement solely because the self-employed provider has a disqualifying offense on his or her criminal record, unless an exclusionary period in...prohibits ODA certification or an agreement.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07.1	Shall	A responsible party <b>shall</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an agreement, or terminate that agreement if the self-employed provider was convicted of, or pleaded guilty to, an offense in any of the following....	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07.1	Shall	For ten years after the date that the self-employed provider was fully discharged from all imprisonment, probation, or parole, the responsible party <b>shall</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an agreement, or terminate that agreement if [the] self-employed provider was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-07.1	Shall	For seven years after the date that the self-employed provider was fully discharged from all imprisonment, probation, or parole, the responsible party <b>shall</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an agreement, or terminate that agreement if [the] self-employed provider was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07.1	Shall	For five years after the date that the self-employed provider was fully discharged from all imprisonment, probation, or parole, the responsible party <b>shall</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an agreement, or terminate that agreement if [the] self-employed provider was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07.1	Shall not	The responsible party <b>shall not</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an agreement, or terminate that agreement solely because the self-employed provider was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07.1	Shall not	The responsible party <b>shall not</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an agreement, or terminate that agreement solely because the self-employed provider was convicted of, or pleaded guilty to, an offense listed under..., but only if:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-07.1	Shall not	The responsible party <b>shall not</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an agreement, or terminate that agreement solely because the self-employed provider was convicted of, or pleaded guilty to, an offense listed in...if the self-employed provider was issued either a:...	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-9-07.1	Shall not	The responsible party <b>shall not</b> reject a self-employed provider's application for ODA certification, revoke a self-employed provider's certification, reject a bid from a self-employed provider for an agreement, or terminate that agreement solely because the self-employed provider was convicted of, or pleaded guilty to, any offense listed or described in....under any of the following circumstances:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-08	Shall	The responsible party <b>shall</b> only make criminal records available to the following people:	<ul style="list-style-type: none"> <li>•121.07, 109.572, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-08	Shall	To verify compliance with..., for each applicant the responsible party hired, each self-employed applicant the responsible party certified, each self-employed person that retained certification, each self-employed bidder for an AAA-provider agreement (agreement), or each self-employed person presently under an agreement, the responsible party <b>shall</b> retain electronic or paper copies of the following records:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-08	Shall	Regarding a self-employed person, the responsible party <b>shall</b> retain the date that it certified the self-employed person or entered into an agreement with the self-employed person.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-08	Shall	To comply with..., the responsible party <b>shall</b> retain the records that...requires the responsible party to retain by sealing the records within the ( <i>sic</i> ) each applicant's or each employee's personnel files or by retaining the records in separate files from the personnel files.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-08	Shall	Regarding a self-employed person, the responsible party shall simply retain the records.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-08	Shall	The responsible party that is an ODA-certified provider <b>shall</b> retain records and make them available for monitoring purposes according to the timelines and other terms that....established.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-08	Shall	The responsible party that is a non-certified provider <b>shall</b> retain records and make them available for monitoring purposes according to the timelines and other terms that...established.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-08	Shall	A responsible party <b>shall</b> maintain a roster of applicants and employees, assessible by ODA's director (or the director's designees), that includes, but is not limited to:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-08	Shall	Regarding the self-employed, the responsible party <b>shall</b> retain the following information, accessible by ODA's director (or the director's designees), that includes, but is not limited to:	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-09	Shall not	If the responsible party hired the applicant or retained the employee in good faith and reasonable reliance upon the applicant's or employee's criminal record, the responsible party <b>shall not</b> be found negligent solely because of its reliance on the criminal record, even if the criminal record is later determined to have been incomplete or inaccurate.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-09	Shall not	If the responsible party conditionally hired the applicant in good faith and in compliance with..., the responsible party <b>shall not be</b> found negligent solely because it hired the applicant before receiving the applicant's criminal record.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-09	Shall not	If the responsible party in good faith hired the applicant or retained the employee because...allowed the responsible party to hire an applicant or retain an employee what a disqualifying offense on his or her criminal record the responsible party <b>shall not be</b> negligent solely because the applicant or employee has been convicted of, or pleaded guilty to, a disqualifying offense.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-9-09	Shall not	If the responsible party certified or entered into an AAA-provider agreement (agreement) with the self-employed provider, or did not revoke or terminate the person's certification or agreement, in good faith and reasonable reliance upon the person's criminal record, the responsible party <b>shall not be</b> found negligent solely because of its reliance on the criminal record, even if the criminal record is later determined to have been incomplete or inaccurate.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-9-09	Shall not	If the responsible party in good faith certified or entered into an agreement with the self-employed provider, or did not revoke or terminate the self-employed provider's certification or agreement, because the person met the standards in...that allow a responsible party to certify or enter into an agreement with a self-employed provider who has a disqualifying offense on his or her criminal record, the responsible party <b>shall not be</b> negligent solely because the self-employed provider has been convicted of, or pleaded guilty to, a disqualifying offense.	<ul style="list-style-type: none"> <li>•109.572, 121.07, 173.01, 173.02, 173.38, 173.381, 173.39, 173.391, 173.392.</li> <li>•42 USC 3025.</li> <li>•42 CFR 441.352, 460.68, 460.71.</li> <li>•45 CFR 1321.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-11-03	Shall	ODA <b>shall</b> adopt rules to define terms, eligibility requirements, and post-award requirements for the program.	121.07, 173.01, 173.02, 173.11, 173.12.	Yes, state law	Yes, state law
173-11-03	Shall	ODA <b>shall</b> provide a notice of funding availability and complete copy of all application materials to each area agency on aging (AAA).	121.07, 173.01, 173.02, 173.11, 173.12.	Yes, state law	Yes, state law
173-11-03	Shall	After receiving ODA's notice, each AAA <b>shall</b> provide a copy of the notice an application materials to each entity it has designated as a focal point, and to all counties, townships, municipal corporations, existing senior centers, and other local non-profit organizations located within the AAA's planning and service area.	121.07, 173.01, 173.02, 173.11, 173.12.	Yes, state law	Yes, state law
173-11-03	Shall not	An AAA's failure to notify every possible applicant, however, <b>shall not</b> render the application process or grant award process void.	121.07, 173.01, 173.02, 173.11, 173.12.	Yes, state law	Yes, state law
173-11-03	Shall	Each AAA <b>shall</b> review any application it receives for completeness...	121.07, 173.01, 173.02, 173.11, 173.12.	Yes, state law	Yes, state law
173-11-03	Shall	...and <b>shall</b> communicate any deficiency to the applicant in writing.	121.07, 173.01, 173.02, 173.11, 173.12.	Yes, state law	Yes, state law
173-11-03	Shall	If the AAA communicated any deficiency to the applicant, the applicant <b>shall</b> correct the deficiency an submit the revised application to the AAA before the deadline ODA published in the application materials.	121.07, 173.01, 173.02, 173.11, 173.12.	Yes, state law	Yes, state law

173-11-03	Shall	Each AAA <b>shall</b> forward any completed applications to ODA no later than the deadline established by ODA.	121.07, 173.01, 173.02, 173.11, 173.12.	Yes, state law	Yes, state law
173-14-02	Shall	There <b>shall be</b> three categories of representatives of the office:	•121.07, 173.01, 173.02, 173.16, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-02	Shall	Paid staff of the office <b>shall be</b> certified as either ombudsman specialists or ombudsman program directors.	•121.07, 173.01, 173.02, 173.16, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-02	Shall	Only paid staff members <b>shall be</b> eligible to serve as ombudsman program directors.	•121.07, 173.01, 173.02, 173.16, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-02	Shall	The SLTCO <b>shall be</b> a certified program director.	•121.07, 173.01, 173.02, 173.16, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-02	Shall	The SLTCO <b>shall</b> issue certificates in the form of identification cards to all representatives of the office.	•121.07, 173.01, 173.02, 173.16, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-02	Shall	The identification cards <b>shall</b> contain:	•121.07, 173.01, 173.02, 173.16, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-03	Shall	An ombudsman associate <b>shall</b> provide written reports of their activities to the regional ombudsman program or record their activities in ODIS, as required by the regional program.	•121.07, 173.01, 173.02, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-03	Shall	A certified ombudsman program director serving as a program manager <b>shall</b> perform the following duties an a certified ombudsman program director who is not serving as a program manager may perform the following duties as assigned:	•121.07, 173.01, 173.02, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-03	Shall	Ombudsman specialists and ombudsman program directors <b>shall</b> record all reportable ombudsman activity in ODIS.	•121.07, 173.01, 173.02, 173.17. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	Representatives of the office <b>shall</b> complete the following professional development:	•121.07, 173.01, 173.02, 173.16, 173.17, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	A candidate for certification as ombudsman associate <b>shall</b> complete at leas fourteen clock hours of professional development and pass the certification examination before performing any ombudsman duties.	•121.07, 173.01, 173.02, 173.16, 173.17, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law

173-14-04	Shall	These fourteen hours of professional development <b>shall</b> include observation of, and participation in, a complaint-handling experience.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	That experience may be done after passing the certification examination, but an associate <b>shall</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall not	... <b>shall not</b> perform any ombudsman duties before passing the certification examination and observing a complaint-handling experience.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	Within sixty days after completing the required professional development, the candidate <b>shall</b> take the ombudsman associate examination.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	A candidate who passes the examination and completes the required observation <b>shall be</b> certified as an ombudsman associate and may perform the duties of an ombudsman associate without direct supervision.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	A candidate for certification as an ombudsman specialist <b>shall</b> complete forty clock hours of professional development and pass an ombudsman deployment examination administered by the SLTCO before handling complaints without direct supervision by a certified ombudsman specialists or a certified ombudsman program director.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	After the initial forty clock hours of professional development, the candidate <b>shall</b> complete all the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	This orientation <b>shall be</b> performed at a site approved by the SLTCO according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	Within sixty days after completing the required professional development, the candidate <b>shall</b> take the ombudsman specialist examination.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-04	Shall	All candidates who pass the examination <b>shall be</b> certified as ombudsman specialists.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	An ombudsman program director candidate <b>shall</b> work under the supervision of the SLTCO until the candidate has completed the initial forty clock hours of professional development and the sic clock hours on program management and administration.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	Within sixty days after completing the required professional development, the candidate <b>shall</b> take the ombudsman program director examination.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	All candidates who pass the examination <b>shall be</b> certified as ombudsman program directors.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-04	Shall	Candidates for ombudsman specialist and ombudsman program director certification <b>shall be</b> assigned a caseload of no fewer than five cases throughout their enrollment in professional development.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-05	Shall	The SLTCO <b>shall</b> provide the professional development required in...to all ombudsman program directors and to all ombudsman specialists.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-05	Shall	The regional programs <b>shall</b> provide, at their own expense, the professional development required in...to the ombudsman associates working for their respective programs.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-05	Shall	All professional development conducted under this rule <b>shall be</b> based upon a curriculum developed by the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-05	Shall	Any application for approval of credit <b>shall</b> demonstrate the candidate has previously received the required training or has experience or knowledge in a content area.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-05	Shall	All requests for credit <b>shall</b> come from the applicant's ombudsman program director if the applicant is a representative from a regional program or from the applicant if the applicant is a representative of the office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-05	Shall	All requests for credit <b>shall</b> include documentation of the training or experience described in the application.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-05	Shall	The SLTCO <b>shall</b> notify the applicant of the SLTCO's decision as soon as practicable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-06	Shall	Candidates <b>shall</b> complete the professional development required under...within the following time frames:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-06	Shall	For an extension of time to complete professional development, the candidate <b>shall</b> apply through the regional program director or, the candidate is is the program director or staff or volunteer of the state office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-06	Shall	The SLTCO <b>shall</b> approve an application if the candidate demonstrates an acceptable reason for extending the time for professional development and the candidate shows probably success for becoming certificated.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-06	Shall	The SLTCO <b>shall</b> approve or disapprove an application as soon as practicable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-06	Shall	For paid candidates, the SLTCO <b>shall</b> provide a notice and hearing process in accordance with the requirements found in.... before removing a candidate for failure to complete the required professional development or to take an examination in a timely manner.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-07	Shall	The professional development curriculum for all candidates seeking certification as ombudsman associates <b>shall</b> include instruction in all the following areas:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-07	Shall	The professional development content for the initial forty clock hours of professional development required of all candidates for certification as ombudsman specialist or ombudsman program director <b>shall</b> include the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-07	Shall	The sixty additional clock hours of professional development required under.. <b>shall</b> include the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-07	Shall	In addition to the professional development required by...., the professional development content for all candidates seeking certification as an ombudsman program director <b>shall</b> include how to administer the program, including the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-08	Shall	The SLTCO <b>shall</b> approve orientation sites as soon as practicable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-08	Shall	The candidate <b>shall</b> observe and receive instruction in basic nursing care or personal care services and the provider's operation and procedures.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-08	Shall	The observation and instruction <b>shall be</b> conducted in a manner consistent with the respect and privacy requirements established in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-08	Shall	No long-term care provider <b>shall</b> serve as an ombudsman orientation site unless approved by the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-08	Shall	The regional ombudsman program director, on behalf of the staff of the regional program and the staff of the state office, <b>shall</b> submit requests for the approval of an ombudsman orientation site to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-08	Shall	No site <b>shall be</b> approved as an orientation site unless the site:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-09	Shall	Before scheduling any observation of a survey or inspection, the SLTCO <b>shall</b> obtain permission to have the survey or inspection observed by candidates for certification from both the director or the director's designee of the appropriate agency and the administrator or the director of the long-term care facility or provider at which the survey or inspection is to take place.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The SLTCO <b>shall</b> develop the deployment and certification examinations.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The examinations <b>shall be</b> fair...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-14-10	Shall	...and <b>shall</b> test candidates on material received through the professional development sessions provided according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The SLTCO <b>shall</b> validate the examinations to the extent practicable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	Any time curriculum is modified, and at least once per year, the SLTCO <b>shall</b> validate the examinations to ensure they are fair and test candidates on material received through the professional-development sessions provided under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The deployment examination <b>shall be</b> administered after a candidate for specialist or program director certification has completed the first forty hours of professional development required by....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	A candidate <b>shall</b> achieve a score of seventy per cent before performing core ombudsman services without direct supervision and may retake the deployment exam until a passing score is achieved.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The SLTCO <b>shall</b> notify the candidate and the candidate's regional director in writing of he SLTCO's approval of deployment.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	Before administering the certification examination, the state office <b>shall</b> provide a review of the curriculum being tested to candidates who are eligible to take the examinations and who have been trained by the state office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The regional programs <b>shall</b> proctor any examination given to candidates for associate certification.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The state office <b>shall</b> proctor all examinations given to candidates for specialist, program director certification, and associates affiliated with the state office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The SLTCO <b>shall</b> score the examination in a way that will protect the identity of the candidate taking the examination for the person scoring the examination whenever possible.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The examination <b>shall be</b> scored as soon as practicable.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-10	Shall	A score of seventy or higher on a one-hundred-point scale <b>shall be</b> a passing score.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The SLTCO <b>shall</b> notify the candidate and, where appropriate, the regional program director of the result.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The SLTCO <b>shall</b> provide each candidate and the candidate's supervisor with an opportunity to review the candidate's examination during the thirty-day review period after the SLTCO releases the candidate's results.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	Once the thirty days for review have passed, the SLTCO <b>shall</b> destroy the examination papers according to state records retention schedules.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	The SLTCO <b>shall be</b> responsible for providing the technical assistance to paid staff of the office and to volunteers of the state office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	Retakes of the examination <b>shall be</b> offered as soon as practicable, but both retakes must be taken within the first three months following receipt of notification that the candidate has failed the first examination.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	After failing the examination three times, the regional director <b>shall</b> remove the individual from the provision of core services.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-10	Shall	No candidate who is currently certified as a representative of the office <b>shall</b> lose the certification status currently assigned to that representative based upon a failure to pass any higher-level certification examination.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-11	Shall	Before offering employment to an applicant for an ombudsman specialist position, a regional director <b>shall</b> submit to the SLTCO and await the SLTCO's review of the applicant's resume, position description, and conflict of interest screen required by rule 173-14-15 of the Administrative Code.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-11	Shall not	ODA, SLTCO, and the sponsoring agency <b>shall not</b> approve an applicant who was employed by, or participated in, the management of a provider of long-term services and supports within the two-year period before being employed by or associated with the office pursuant to section 173.15 of the Revised Code.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-11	Shall	Before offering employment to an applicant for a program director position, a sponsoring agency <b>shall</b> submit to the SLTCO an await the SLTCO's review of the applicant's resume, position description, and conflict of interest screen required by rule 173-14-15 of the Administrative Code.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-11	Shall	The SLTCO may request to interview the applicant and provide feedback to the sponsoring agency about the applicant's suitability. The sponsoring agency <b>shall</b> consider the feedback of the SLTCO but....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-11	Shall not	ODA, SLTCO, and the regional office <b>shall not</b> approve an applicant who was employed by, or participate in the management of a provider of long-term services and support within the two-year period before being employed by or associated with the office pursuant to section 173.15 of the Revised Code.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-11	Shall	The SLTCO <b>shall</b> maintain a central registry of all representatives of the office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-11	Shall	The registry <b>shall</b> retain the following information on each representative until twelve months after the date of separation from the office:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-11	Shall	The regional program director or designee, or the state office, whichever is appropriate, <b>shall</b> register paid representatives with the SLTCO before the representative's first day of employment.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	No representative of the office <b>shall be</b> decertified or removed as a candidate for certification without cause.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	Cause <b>shall</b> include,...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall not	...but <b>shall not be</b> limited to, the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	Regional program directors, sponsoring agencies, and SLTCO staff recommending decertification or removal <b>shall</b> state their reasons in writing and...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-12	Shall	... <b>shall</b> provide any relevant documentation to support the recommendation to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	The SLTCO <b>shall</b> review the recommendation and make a determination to accept or deny the recommendation in the form of a written notice to the sponsoring agency, regional program director, and the representative.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	...the SLTCO <b>shall</b> provide written notification to the sponsoring agency, the regional program, and the representative.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	Any person who separates from the office <b>shall</b> cease to be a representative of the office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	The SLTCO or regional program director <b>shall</b> notify the person in writing....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Must	The identification card of a person separated from the office <b>must be</b> surrendered to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Must	...the identification card <b>must be</b> surrendered....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	Regional programs <b>shall</b> notify the SLTCO of the separation of any representative from the office and the reason for the separation....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	As appropriate, regional programs <b>shall</b> notify affected long-term care providers of the representative's separation from the office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	Any person seeking recertification <b>shall</b> apply in writing to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	The application <b>shall</b> provide the date of separation and a summary of any professional development in or experience with ombudsman skills, long-term care services, problem resolution skills, or related skills the applicant may have received since voluntarily separating from the office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	The SLTCO <b>shall</b> review the application...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-12	Require	...and may <b>require</b> the applicant to receive additional professional development and/or take an appropriate examination based upon the length of time the applicant has been away from the field....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-12	Shall	The SLTCO <b>shall</b> make the decision o later than five business days after receipt of the request.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	Representatives of the office <b>shall</b> complete the following annual continuing education requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	...eight clock hours <b>shall be</b> earned through attendance at state ombudsman-sponsored education.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	...nine clock hours <b>shall be</b> earned through attendance at state ombudsman-sponsored education.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Must	...at least one session <b>must</b> include the training outlined in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	The required clock hours of containing education <b>shall be</b> prorated for any representative of the office who has been certified for fewer than twelve months.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	The SLTCO <b>shall</b> approve only those continuing education sessions meeting the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	The SLTCO... <b>shall</b> notify each representative of the credits that may be earned through attendance at the session in advance of the date on which the session is scheduled.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	Representatives <b>shall</b> submit all requests for credit toward their continuing education requirements to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	All requests for continuing education credit <b>shall</b> contain the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	The SLTCO <b>shall</b> approve continuing education credits in terms of face-to-face contact clock hours or one-tenth parts of a clock hour earned.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-13	Shall	The SLTCO <b>shall</b> approve or disapprove of all requests, in writing, as soon as practicable.	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	No representative <b>shall be</b> precluded from meeting continuing education requirements with credits that were also counted toward the continuing education requirements of other professional organizations or boards.	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	The regional programs <b>shall</b> track the hours of continuing education accumulated by their volunteers...	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	...and the SLTCO <b>shall</b> track the hours of continuing education accumulated by the paid and volunteer staff of the state office.	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	...all continuing education <b>shall be</b> reported through that system according to instructions provided by the state office upon implementation.	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	By December first of each year, a state review <b>shall be</b> completed to ensure the continuing education requirements for each representative have been fulfilled.	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	Regional programs <b>shall</b> submit documentation of volunteer continuing education to the state office by....	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	Regional programs... <b>shall</b> retain documentation of continuing education as long as the representative remains affiliated with the office.	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	If an electronic registry system is implemented by the state office, all continuing education <b>shall be</b> reported through that system....	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	...if the explanation or extenuating circumstances are not acceptable to the ombudsman program director, the program director <b>shall</b> notify the SLTCO.	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	...if the explanation or extenuating circumstances are not acceptable to the SLTCO, the SLTCO <b>shall</b> notify the representative and program director or sponsoring agency director, as appropriate.	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-13	Shall	A representative of the office who does not meet the continuing education requirement annually, or within the extension period if approved based upon a demonstration of extenuating circumstances, <b>shall be</b> decertified....	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law

173-14-13	Shall	The notice and hearing process for a paid representative <b>shall</b> adhere to the requirements established in....	•121.07, 173.01, 173.02, 173.16, 173.21. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	Each regional program <b>shall</b> employ one paid, full-time, employee to serve as the program's ombudsman program director.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If a sponsoring agency administers more than one regional program, each regional program <b>shall</b> have full-time supervision provided by a certified ombudsman program director in that region.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	To accept a candidate for certification as a representative of the office, the state or regional program <b>shall</b> either hire a person as a paid staff member or accept the person as a volunteer staff member.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	The state or regional program <b>shall</b> only hire or accept a person who:	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	A regional program <b>shall</b> only hire a person to be an ombudsman specialist if the person is at least a registered nurse or has earned a bachelor of science degree in nursing, or a bachelor of arts or bachelor of science degree in social work, social service, a health-related field.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	A regional program <b>shall</b> only hire a person to be the ombudsman program director if the person meets both of the following requirements:	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	Any time this rule requires a responsible party to review an applicant's (pre-hire) or employee's (post-0hire) status in databases, the responsible party <b>shall</b> review the six databases listed in....	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	...the responsible party <b>shall</b> conduct a database review of the nurse aide registry in the state or states in which the applicant or employee lived.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	...the responsible party <b>shall</b> review each applicant's (pre-hire) status in the databases before conducting the criminal records check....	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	...the responsible party <b>shall</b> review each employee's (post-hire) status in the databases before conducting the criminal records check....	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law

173-14-14	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee if the applicant's or employee's status in the databases reveals that one or more of the databases....	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	...the responsible party <b>shall</b> inform the applicant or employee of the disqualifying information.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	The responsible party <b>shall</b> conduct database reviews on each applicant (pre-hire) and each employee (post-hire) before conducting a criminal records check.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall not	If the database reviews disqualify the applicant or employee, the responsible party <b>shall not</b> conduct a criminal records check.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If the database reviews do not disqualify the applicant or employee, the responsible party <b>shall</b> conduct a criminal records check.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	The responsible party <b>shall</b> conduct a criminal records check on each applicant.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	According to one of the following three schedules, the responsible party <b>shall</b> conduct a post-hire criminal records check on each employee at least once every five years:	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If the responsible party hired the employee before January 1, 2008, the responsible party <b>shall</b> conduct a criminal records check on the employee no later than thirty days after the 2013 anniversary of the employee's date of hire and no later than thirty days after each five-year anniversary.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If the responsible party hired the employee on or after January 1, 2008, the responsible party <b>shall</b> conduct a criminal records check on the employee no later than thirty days after the fifth anniversary of the employee's date of hire and no later than thirty days after each five-year anniversary.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Must	If...for the five-year period immediately preceding the date the responsible party <b>must</b> request a criminal records check,....	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If..., or if..., the responsible party <b>shall</b> request that BCII obtain criminal records from the FBI as part of the criminal records check.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law



173-14-14	Shall	When an applicant initially applies for a paid ombudsman position, the responsible party <b>shall</b> inform the applicant of the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If the responsible party gives the applicant final consideration for hiring into the position, the following <b>shall</b> happen:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If the responsible party <b>shall</b> review the applicant's status in the databases....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall not	Unless the database reviews reveal that the responsible party <b>shall not</b> hire the applicant,...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	..., the responsible party <b>shall</b> conduct a criminal records check...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	...and the applicant <b>shall</b> provide a set of his or her fingerprints as part of the criminal records check.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If the responsible party hires the applicant, as a condition to retain the position, the responsible party <b>shall</b> conduct post-hire database reviews and criminal records checks according to one of the three schedules listed under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If the responsible party intends to charge the applicant the fees...the responsible party <b>shall</b> inform the applicant of the fees at the time of the application.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	The responsible party <b>shall</b> pay BCII the fees...for each criminal records check.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	Unless..., the responsible party <b>shall</b> complete the following two tasks:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	The responsible party <b>shall</b> provide each applicant or employee with the form(s) that BCII requires....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	The responsible party <b>shall</b> forward the completed fingerprints and forms to BCII for processing.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-14	Shall not	The responsible party <b>shall not</b> conditionally hire an applicant unless the responsible party conducted database reviews and the applicant's status in the databases was not disqualifying.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall not	The responsible party <b>shall not</b> conditionally hire an applicant unless the responsible party requests a criminal records check before the following deadlines:	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall not	If the responsible party requires the applicant to provide his or her fingerprints directly to BCII by using "WebCheck," the responsible party <b>shall not</b> conditionally hire the applicant until the applicant provides his or her fingerprints to a "WebCheck" vendor.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall not	If the responsible party does not require the applicant to provide his or her fingerprints directly to BCII by using "WebCheck," the responsible party <b>shall not</b> conditionally hire the applicant until the responsible party receives the applicant's fingerprints on a completed fingerprint impression sheet.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If..., the responsible party <b>shall</b> provide the sheet to BCII no later than five business days after the responsible party conditionally hires the applicant.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	The responsible party <b>shall</b> release the conditionally-hired applicant from a paid ombudsman position if more than sixty days have passed since the day the responsible party requested a criminal records and the responsible party has not yet received the criminal records.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	The responsible party <b>shall</b> release the conditionally-hired applicant if the applicant's criminal record lists a disqualifying offense, unless....	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	If the responsible party is unable or unwilling to hire an applicant with a disqualifying offense on his or her criminal record, the responsible party <b>shall</b> release the conditionally-hired applicant regardless of the day during the sixty-day period that the responsible party received the criminal records.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	Except..., no responsible party <b>shall</b> hire an applicant or retain an employee if the applicant or employee was convicted of, or pleaded guilty to, a violation of any of the following sections of the Revised Code:	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law

173-14-14	Shall	Except..., no responsible party <b>shall</b> hire an applicant or retain an employee if the applicant or employee was convicted of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses of violations described in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Prohibit	A responsible party may hire an applicant or retain an employee who was convicted of, or pleaded guilty to, an offense listed in...unless an exclusionary period in... <b>prohibits</b> hiring the applicant or retaining the employee.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee if the applicant or employee was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee if the applicant or employee for a period of ten years from the date the applicant or employee was fully discharged from all imprisonment, probation, or parole, if the applicant or employee was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee if the applicant or employee for a period of seven years from the date the applicant or employee was fully discharged from all imprisonment, probation, or parole, if the applicant or employee was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	No responsible party <b>shall</b> hire an applicant or retain an employee if the applicant or employee for a period of five years from the date the applicant or employee was fully discharged from all imprisonment, probation, or parole, if the applicant or employee was convicted of, or pleaded guilty to, an offense in any of the following sections of the Revised Code:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	No responsible party <b>shall</b> shall only make criminal records available to the following people:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	To verify compliance with this rule, for each applicant the responsible party hired and each employee the responsible party retained, the responsible party <b>shall</b> retain electronic or paper copies of the following records:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.27.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-14	Shall	To comply with..., the responsible party <b>shall</b> retain the records that...requires the responsible party to retain...	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	Regarding a self-employed person, the responsible party <b>shall</b> simply retain the records.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall	A responsible party <b>shall</b> maintain a roster of applicants and employees, assessible by ODA's director (or the director's designees), that includes all the following:	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall not	The responsible party <b>shall not</b> be found negligent solely because of its reliance on the criminal record, even if the criminal record is later determined to have been incomplete or inaccurate.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall not	The responsible party <b>shall not</b> be found negligent solely because it hired the applicant before receiving the applicant's criminal record.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-14	Shall not	The responsible party <b>shall not</b> be found negligent solely because the applicant or employee has been convicted of, or pleaded guilty to, a disqualifying offense.	•121.07, 173.01, 173.02, 173.27. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall not	"Remedy" means an action...that would neutralize a conflict of interest and ensure the conflict <b>shall not</b> adversely influence the activities of the representative on behalf of the office.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Conflicts of interest <b>shall</b> include,...	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall not	...but <b>shall not be</b> limited to, the following:	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Actions <b>prohibited</b> by someone holding a conflict of interest <b>shall</b> include,...	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall not	...but <b>shall not be</b> limited to, actions taken to influence any decision or action of a representative of the office....	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Absent a waiver granted by the SLTCO, no representative of the office <b>shall be</b> permitted to provide core ombudsman services....	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law

173-14-15	Shall	The SLTCO, the regional programs, and the sponsoring agencies <b>shall</b> screen potential and existing non-representative employees of the program, potential candidates and existing representatives of the office, individuals involved in designating, hiring, evaluating, or terminating the head of any regional program, and potential and existing policy board members for conflicts of interest.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	The screen <b>shall be</b> applied initially and annually thereafter.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	When completed, the person who conducted the screen and the person screened <b>shall</b> acknowledge the completion of the screen in writing.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	The completed screening instrument and a resumé <b>shall be</b> transmitted to the state office and made a record of the program....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	...and <b>shall be</b> subject to program review.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Before..., the sponsoring agencies and/or regional program directors <b>shall</b> report any identified conflict of interest, and may propose a remedy, to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	The SLTCO <b>shall</b> report any identified conflict of interest in the state office and propose a remedy to ODA's director.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Within..., the SLTCO or ODA's director <b>shall</b> review the nature, scope, and extent of the conflict...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	...and <b>shall</b> determine whether or not to allow the proposed remedy.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	The proposed remedy <b>shall be</b> submitted to the SLTCO in writing...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	...and <b>shall</b> reveal the nature, extent, and potential impact of the conflict of interest,...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-15	Shall	...and <b>shall be</b> a remedy the neutralizes the conflict of interest.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Any remedy granted <b>shall</b> remain in effect for as long as the conflict continues to exist to the same extent as reported and for as long as the remedy continues to work.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	If the state office implements an electronic registry, submission of conflict of interest screens and proposed remedies or waiver requests <b>shall be</b> made through the registry.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	That any policy board members having a conflict of interest in their capacity as board members <b>shall</b> declare any conflict of interest...	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	...and <b>shall</b> excuse them selves from deliberations and voting on the issue.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Before..., the sponsoring agencies and/or regional program directors <b>shall</b> report any identified conflict of interest to, and may request a waiver of a conflict of interest, in writing, to the SLTCO....	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Within..., the SLTCO or ODA's director, as appropriate, <b>shall</b> review the nature, scope, and extent of the conflict...	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	...and <b>shall</b> determine whether or not to approve the waiver.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	A waiver request <b>shall</b> reveal the nature, extent, and potential impact of the conflict of interest,...	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	...and <b>shall</b> request to determine whether sufficient circumstances exist to eliminate a conflict of interest.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	Any conflict of interest not waived or remedied, and any prohibition resulting therefrom, <b>shall be</b> recorded in the central registry.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-15	Shall	No representatives of the office <b>shall be required</b> or permitted to hold positions or perform duties that would constitute a conflict of interest.	•121.07, 173.01, 173.02. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law

173-14-15	Shall	Deliberate failure to disclose any conflict of interest or any prohibition <b>shall be</b> sufficient grounds for the removal of the candidate from the professional development program, the decertification of the representative, or the withdrawal of the designation of the regional program involved.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Representatives <b>shall</b> identify, investigate, and resolve complaints made by, or on behalf of, consumers....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Except as otherwise provided in..., representatives <b>shall</b> open a case and attempt to resolve all complex complaints according to the following protocol:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	A complaint generated by the office itself <b>shall be</b> considered a received complaint.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The representative <b>shall</b> explain to a complainant who uses electronic mail that electronic mail <b>may not</b> be a secure mode for sharing confidential information...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	...and <b>shall</b> document the individual's consent to use electronic mail.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	A representative <b>shall</b> explain to the complainant the ombudsman process generally and options for handling the specific complaint presented according to guidance presented by the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-16	Shall	The representative <b>shall</b> also gather information needed to determine response time and whether there is a conflict of interest and what if any steps have been taken previously.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	A representative <b>shall</b> refer complaints to the SLTCO according to the protocol in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	In determining the response time for initiating an investigation, the representative <b>shall</b> analyze the urgency of the complaint based upon the information received at the time of intake.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The response time <b>shall be</b> commensurate with the potential harm posted to the consumer.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	If there is probable physical harm to the consumer, the program that received the complaint <b>shall</b> respond by the end of the next working day.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	If the next day is not a working day for the program and the representative is unable to respond before the next day, the representative <b>shall</b> notify the SLTCO immediately.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	In all other cases, the program <b>shall</b> respond as appropriate to the complaint.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-14-16	Shall	Representatives <b>shall</b> investigate complaints in order to determine if complaints are verified.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The principle steps in an investigation <b>shall</b> include, but are not limited to, the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Strategies for the resolution of a complaint <b>shall be</b> established in action plans developed in conjunction with the consumer and may include, but are not limited to, the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Representatives <b>shall</b> perform follow-up activities on complaints in a timeframe appropriate to the complaint and resolution.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Before closing a case, the representative <b>shall</b> inform the consumer and, if appropriate, the complainant, that ombudsman activity will cease.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Representatives <b>shall</b> comply with Ohio's ethics laws and this rule when handling complaints.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	A representative who has been assigned a complaint <b>shall</b> reveal to the program director and the consumer and/or complainant any other relationship with the provider, public agency, or person involved that may call into question the representative's objectivity or effectiveness in handling the complaint.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-16	Shall	A representative who has a conflict of interest <b>shall</b> disclose the conflict to the regional program director, or if a representative of the state office has the conflict of interest, to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Upon receiving notice of the potential conflict of interest, the SLTCO or the regional program director involved <b>shall</b> review the facts of the relationship to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	If the director of the regional program has a conflict of interest, the review <b>shall be</b> completed by the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	When the SLTCO has a conflict of interest, the review <b>shall be</b> completed by ODA's director or the director's designated senior staff member.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The regional programs <b>shall</b> develop policies and procedures consistent with...to <b>prohibit</b> any representative of a regional program from handling a complaint involving a service directly delivered by the program's sponsoring agency.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The policy <b>shall</b> provide that when the regional program is part of an AAA and the complaint concerns screening assessments, care coordination, case management, or other decisions on consumer-specific services made by the AAA, the representative <b>shall</b> reveal the relationship to the consumer and/or complainant and obtain the approval of the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The decision to permit a representative to handle such a complaint <b>shall be</b> documented in the case record.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-16	Shall	The consumer and/or complainant <b>shall be</b> informed of any decision to refer the complaint to the SLTCO...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	...and <b>shall be</b> informed of the reasons for the referral.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The regional programs <b>shall</b> develop policies and procedures to maintain complaint and advocacy and general information records, including, but not limited to, volunteer reports, in a confidential manner.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The policies and procedures <b>shall</b> address the storage, maintenance, and physical access to all written and electronic complaint and advocacy and general information records...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	...and <b>shall</b> assure that such records are in a secure location and that access to the files is limited to those personnel authorized to review records.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	All authorized personnel <b>shall</b> treat records in a confidential manner.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Regional program policies <b>shall be</b> consistent with....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-16	Shall not	Representatives <b>shall not</b> reveal identifying information about individuals providing information about a complaint without their consent unless facilitated by state legal counsel in response to a court order.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Any representative who receives a subpoena or other request for ombudsman records, to attend a deposition, or to give testimony in court <b>shall</b> notify the SLTCO immediately.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The SLTCO <b>shall</b> engage legal counsel to take appropriate legal action to protect the confidentiality of information, the persons who provided information, public entities, and the confidential records of consumers and of providers.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	..., representatives <b>shall</b> state the verification status of the complaint in question and whether or not the case has been opened or closed.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Representatives <b>shall</b> conduct ombudsman services in a manner that protects the identity of the consumer, complainant, or individual....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Representatives <b>shall</b> use a written consent form provided by the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	Verbal consent <b>shall be</b> documented in the case record.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-16	Shall	Verbal consent <b>shall be</b> documented in the case record.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	A representative <b>shall</b> obtain consent to review consumer medical records.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	The representative <b>shall</b> demonstrate to the SLTCO that the representative consulted with a sponsor chosen by the consumer about access to records whenever possible.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	When..., the SLTCO or representative <b>shall</b> seek informed consent from such consumer to disclose identifying information to appropriate agencies.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	If..., the SLTCO or representative <b>shall</b> follow the direction of the consumer or sponsor.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-16	Shall	..., the SLTCO or representative <b>shall</b> open a case with the SLTCO or representative as the complainant, follow the complaint-handling protocol and refer the matter and....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-17	Shall	Representatives of the office <b>shall</b> refer to the SLTCO, in a manner established by the SLTCO, any of the following complaints:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-17	Shall	The SLTCO <b>shall</b> determine whether complaints warrant investigation. The SLTCO's determination in this matter is final.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-17	Shall	The SLTCO <b>shall</b> provide updates on the progress and disposition of a case to the referring regional program.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-17	Shall	For..., the SLTCO <b>shall</b> notify the consumer and/or complainant, if possible, and the regional program of the reasons the complaint <b>shall not be</b> handled.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-18	Shall	All referrals made by representatives of the office <b>shall</b> contain the pertinent facts known to the representative...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-18	Shall	...and <b>shall be</b> subject to the confidentiality and consent requirements established in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-18	Shall	Any confidential information transmitted in a written document <b>shall be</b> marked as confidential.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-18	Shall	Any public agency that receives a referral from a representative of the office <b>shall</b> acknowledge receipt of the referral within thirty days after the date on which the agency received the referral...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-18	Shall	...and, except as otherwise provided by law, <b>shall</b> notify the representative of the results of its investigation within thirty days after the date on which the agency completes its investigation.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	The complaint case record <b>shall</b> include only objective observations of items such as the consumer's physical condition, behavior, conversations, and other facts that are revealed during the course of the investigation.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	In addition, where appropriate to the complaint, all complex complaint case records <b>shall</b> contain the data required in ODIS.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-19	Shall	Documentation of advocacy and general information services <b>shall</b> include only objective information required in ODIS.	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	All records <b>shall be</b> retained by the SLTCO or regional programs for three years after the case is closed.	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	Representatives <b>shall</b> contemporaneously document al activity in ODIS within six days after the activity is performed.	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	Information contained in the records maintained by the office and the regional programs <b>shall be</b> released only at the discretion of the SLTCO.	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall not	Identities of consumers, witnesses, and complainants <b>shall not be</b> released absent a court order.	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	When....., the representative <b>shall</b> notify the SLTCO in writing within one business day.	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	When..., the representative <b>shall</b> notify the SLTCO immediately, by telephone.	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	Within one business day after notification, the ombudsman <b>shall</b> submit the written request and complete and submit a form approved by the SLTCO to....	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	The SLTCO or the designee of the SLTCO <b>shall</b> review the records requested and discuss the circumstance with the ombudsman to discuss whether to release or withhold records.	•121.07, 173.01, 173.02, 173.15, 173.20. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.	Yes, both state and federal law	Yes, both state and federal law

173-14-19	Shall	As appropriate, the SLTCO or the designee of the SLTCO <b>shall</b> secure permission from the consumer or complainant to release identity.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall not	Names and identifying information about consumers, complaints, and/or witnesses <b>shall not be</b> released without written consent of the affected individuals or their legally authorized representatives who....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	The SLTCO or the designee of the SLTCO shall consult with legal counsel as needed.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-19	Shall	As necessary, and as requested by the SLTCO, the role of the SLTCO's legal counsel <b>shall</b> include the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.19.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-20	Shall	The report <b>shall</b> include recommendations for policy, regulatory, and legislative changes to solve problems, resolve complaints, and improve the quality of care and life for consumers....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-20	Shall	...and <b>shall be</b> submitted to the governor, the speaker of the house of representatives, the president of the senate, the directors of health and of job and family services and the commissioner of the administration on aging of the United States department of health and human services.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-20	Shall	The SLTCO <b>shall</b> personally, or through representatives, analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and other government policies and actions pertaining to long-term care providers and services and to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-20	Shall	The SLTCO, as head of the office, <b>shall be</b> able to independently make determinations and establish positions of the office, without representing the determinations or positions of ODA or other state agency, regarding the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-20	Shall	The SLTCO <b>shall</b> seek input from representatives and stakeholders and may consult with ODA and stakeholders in making determinations and establishing positions of the office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-14-20	Shall	Representatives <b>shall</b> adhere to the determinations and positions of the office as established by the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-21	Shall	The regional long-term care ombudsman programs <b>shall</b> serve the following regions of the state:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-21	Shall	When requested by the SLTCO, nothing in this rule <b>shall</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-21	Prohibit	... <b>prohibit</b> one regional program from providing ombudsman services in another region if adequate resources are made available.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	No sponsoring agency <b>shall</b> serve as a regional long-term care ombudsman program unless it has been designated as such by the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	Except as otherwise provided in..., no sponsoring agency <b>shall be</b> fully designated as a regional program unless it has complied with all the following required structural standards:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	The sponsoring agency <b>shall be</b> a tax-exempt organization.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	The sponsoring agency <b>shall</b> have a governing board with responsibility to set policy for the regional program; provide ongoing leadership; ensure compliance with all program and contract requirements, all relevant federal and state statutes, regulations, and policies; and ensure program integrity and stability.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall not	A majority of the members on the sponsoring agency's governing board <b>shall not</b> have a conflict of interest.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-22	Shall	No sponsoring agency, nor any member of its administrative staff that has responsibilities related to the ombudsman program <b>shall</b> hold an unremedied conflict of interest.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	The sponsoring agency <b>shall</b> retain the type of staff required under....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	The sponsoring agency <b>shall</b> maintain an incoming toll-free telephone line dedicated to the regional ombudsman program to be answered during normal business hours by a representative of the office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	The sponsoring agency <b>shall</b> have the capacity to develop policies and procedures that conform to all federal and state statutes, regulations, and policies.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	Within six months of designation, the sponsoring agency <b>shall</b> submit all such regional program policies and procedures to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	The SLTCO <b>shall</b> review for approval all regional program policies and procedures.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	Shall	The sponsoring agency <b>shall</b> make all the following regional program policies and procedures available to all representatives in the regional program:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-22	May not	...specifying that representatives with a noted conflict of interest <b>may not</b> participate in the certification process of that provider.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.19, 173.20, 173.22.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall not	The SLTCO <b>shall not</b> designate an agency as a new regional long-term care ombudsman program (regional program) unless the agency has complied with all the required structural standards established in....., and has completed an ombudsman plan acceptable to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-23	Shall	The SLTCO <b>shall</b> temporarily designate a new regional program as needed.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The SLTCO <b>shall</b> adhere to the following process when designating a sponsoring agency to serve as a new regional program:	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	In consultation with the AAA, the SLTCO <b>shall</b> issue a request for proposal (RFP) seeking a sponsoring agency to serve as the regional program.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The RFP <b>shall</b> identify all requirements that a sponsoring agency...	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	... <b>shall</b> meet in order to be designated as a regional program and...	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	... <b>shall</b> request the submission, within thirty days, of an ombudsman plan and documents to support the sponsoring agency's claim to meet these requirements.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The SLTCO <b>shall</b> conduct an on-site visit to each of the eligible agency responding to the RFP to verify the facts presented in each proposal.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The SLTCO <b>shall</b> review the ombudsman plans of all proposals submitted and...	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	... <b>shall</b> choose the agency most appropriate to serve as the regional program.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	When making a decision, the SLTCO <b>shall</b> take into consideration the recommendation of the AAA.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The SLTCO <b>shall</b> notify the AAA and responding agencies of the decision.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The SLTCO <b>shall</b> include in the notification the right of every agency not chosen to request a hearing to appeal the SLTCO's decision.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The notice and hearing process <b>shall</b> follow the procedures established in Chapter 119. of the Revised Code.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law

173-14-23	Shall	The SLTCO <b>shall</b> notify the agency of its designation year.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	Any sponsoring agency receiving full or provisional designation as a regional program <b>shall</b> enter into a contract with the AAA or the SLTCO.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	At a minimum, the contract <b>shall</b> specify the following:	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	A requirement that the regional program <b>shall</b> abide by all state and federal laws, regulations, policies and procedures governing the office of the SLTCO.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	A requirement that the regional program <b>shall</b> abide by all ODA policies and procedures relating to contractors.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	A requirement that the regional program <b>shall</b> comply with all of the reporting requirements in....	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The SLTCO <b>shall</b> develop a summary and action plan in conjunction with the full or provisional designation of each newly designated regional program.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The summary and action plan <b>shall</b> address areas of positive practices and concern.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	In addition, the summary and action plan <b>shall</b> specify actions to be taken by the regional program to correct problem areas or any violation of the law or the structural standards that are discovered during the initial designation process.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The summary and action plan <b>shall be</b> developed by the regional program then reviewed and finalized by the SLTCO.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	Once the summary and action plan has been issued, the regional program's director, AAA, or sponsoring agency involved in the designation process <b>shall be</b> given thirty days to provide written comments to the SLTCO on the content of the summary and action plan.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	If these parties do not provide written comments to the SLTCO within thirty days, the summary and action plan <b>shall</b> go into effect.	•121.07, 173.01, 173.02, 173.16. •42 USC 3025, 3058g. •45 CFR 1321.11, 1324.11, 1324.13, 1324.15.	Yes, both state and federal law	Yes, both state and federal law

173-14-23	Shall	If these parties provide written comments to the SLTCO within thirty days, the SLTCO <b>shall</b> take the comments into consideration when finalizing the summary and action plan.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-23	Shall	The AAA and the SLTCO <b>shall</b> provide the technical assistance or contacts, or conduct the visits required under the terms of the summary and action plan.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15.</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-24	Shall	Each regional program <b>shall</b> develop an ombudsman plan that describes short-term activities to cover one year and long-term activities on strategic areas to cover two years or more.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.17</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-24	Shall	Long-term components <b>shall</b> address strategic program development, such as the future development of funding sources or the future direction of the program.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.17</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-24	Shall	The plan <b>shall be</b> approved by the SLTCO using the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.17</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-24	Shall	Action steps <b>shall</b> lead to achieving the stated objectives.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.17</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-24	Shall	The ombudsman plans for regional programs seeking initial designation and for those programs deemed to need additional oversight by the SLTCO <b>shall</b> address the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.17</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-24	Shall	Representation at hearings and legal representation, including defining the types of hearings in which the regional program representatives <b>shall</b> provide representation and developing how the regional program <b>shall</b> ensure legal representation is provided to clients in other areas.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15, 1324.17</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	The SLTCO <b>shall</b> conduct an annual program review, no less frequently than every two years, to determine whether the regional program may continue its designation as a regional long-term care ombudsman program.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	Nothing in this rule <b>shall</b> ...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-25	Prohibit	... <b>prohibit</b> the AAA from conducting a fiscal review independent of the SLTCO's program review, except that...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	...the AAA <b>shall</b> inform the SLTCO of the results of any such review.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	When conducting any program review, the SLTCO <b>shall</b> review the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	The plan <b>shall be</b> prepared according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	The SLTCO <b>shall</b> take the lead in conducting the reviews required under....and the AAA may be present and offer comments, except that...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	May not	...the AAA <b>may not</b> be present or offer comments during any part of the review includes confidential information.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	The AAA involved in the program review <b>shall</b> have access to all necessary program administrative records and...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	...and the SLTCO <b>shall</b> have access to all necessary records.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	When conducting reviews under...., the SLTCO <b>shall</b> review a minimum of fifteen cases, drawn from a random sampling of cases documented by the regional program.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	If appropriate, upon the completion of any program review the SLTCO <b>shall</b> develop an action plan for quality (APQ) in conjunction with the regional program.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	The APQ <b>shall be</b> developed according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	Within twenty business days after completing any program review, the SLTCO <b>shall</b> provide the regional program an the AAA having jurisdiction in the designated region with written notification of the results.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-25	Shall	The date of notification <b>shall</b> begin the new designation period...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall not	... which <b>shall not</b> exceed one year.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-25	Shall	If the SLTCO withdraws the regional program's designation or grants the regional program only provisional designation status, the SLTCO and the AAA <b>shall</b> follow the notice and hearing requirements set forth in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	When provisionally designating a fully-designated regional program, the SLTCO <b>shall</b> provide the regional program with notice of the decision to provisionally designate the program.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	The notice <b>shall</b> contain an explanation of the SLTCO's reason for the provisional designation, specify the changes or corrections necessary for the program to come into compliance with the program review standards or conflict of interest provisions, define the length of time the regional program will be given to come into compliance,...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	...and <b>shall</b> explain that failure to implement the requirements of the notice...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	... <b>shall</b> lead to a withdrawal of designation.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	The appeal <b>shall be</b> conducted according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	The SLTCO <b>shall</b> give the regional program notice of the decision to withdraw the regional program's designation.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	The notice <b>shall</b> contain an explanation of the SLTCO's reason for the withdrawal of the designation.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-26	Shall	The sponsoring agency of a regional program that voluntarily withdraws its designation or that has had its designation withdrawn by the SLTCO <b>shall</b> surrender intact to the SLTCO all ombudsman case records; documentation of core services in ODIS according to...; the identification cards of all of its representatives; any equipment purchased with title III or title VII funds awarded under the Older Americans Act, the long-term care ombudsman subsidy, bed fee monies; and the balance of any state, federal, or bed fee monies it has been allocated as a results of its designation as a regional ombudsman program on the effective date of the regional program's de-designation or voluntary withdrawal of designation, or as otherwise agreed to by the AAA, the regional program, and the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	The SLTCO <b>shall</b> ensure the continuation of ombudsman services in any designated region where a regional program has voluntarily withdrawn its designation from the office or been de-designated.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	In all cases where the SLTCO seeks to provisionally designate a fully-designated regional program, or to withdraw the designation of a provisionally-designated or fully-designated regional program, the SLTCO <b>shall</b> follow the notice and hearing procedures established in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	SLTCO <b>shall</b> give notice of a change in designation to the regional program's sponsoring agency.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	The notice <b>shall be</b> given by registered mail with a return receipt...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	...and <b>shall</b> include all of the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	Whenever a sponsoring agency requests a hearing in accordance with this rule, the SLTCO <b>shall</b> immediately set the date, time, and place of the hearing and forthwith notify the sponsoring agency thereof.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-26	Shall	The date set for the hearing <b>shall be</b> within ten days, but not earlier than seven days, after the sponsoring agency requested the hearing, unless otherwise agreed to by the department and the sponsoring agency.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law



173-14-26	Shall	The SLTCO <b>shall</b> conduct all appeal hearings according to....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	In all cases where the SLTCO seeks to decertify a representative of the office, or to remove a candidate of recertification, the SLTCO <b>shall</b> give notice to the party against whom action is to be taken,...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	Upon receipt of the notice, the sponsoring agency <b>shall</b> ensure the representative or the candidate is relieved of all complaint-handling duties requiring contact with consumers or providers until such time as all appeals have been exhausted and a final determination has been made.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	Notice <b>shall be</b> given by registered mail, return receipt requested,...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	...and <b>shall</b> include all the following:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	Whenever a party requests a hearing in accordance with this rule, the SLTCO <b>shall</b> set the date, time, and place for the hearing...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	...and <b>shall</b> notify the party thereof within ten business days after receiving the request for a hearing.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	The date set for the hearing <b>shall be</b> within fifteen days after the date on which the party requested the hearing unless otherwise agreed to by the parties.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	ODA's director <b>shall</b> designate a hearing officer who has not participated in the decision to decertify the representative or candidate to preside over the hearing.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-27	Shall	Upon completion of the hearing, the hearing officer <b>shall</b> make a recommendation and forward it to the SLTCO.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	The SLTCO <b>shall</b> make the final decision within thirty days after the hearing concludes.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	The SLTCO <b>shall</b> inform the candidate or representative who made the request for the hearing, of the decision through registered mail, return receipt requested.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	The SLTCO's decision <b>shall be</b> the final administrative for of appeal.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-27	Shall	If the representative's appeal is successful the representative <b>shall be</b> reinstated to the performance of all duties of the office.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.15, 173.17, 173.21.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-28	Shall	The department of aging <b>shall</b> collect an annual bed fee of six dollars for each bed maintained for resident use by each of the facilities listed in division (A) of section 173.26 of the Revised Code.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.26.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-28	Shall	Annually, the department <b>shall</b> provide each of the facilities described in paragraph (A) of this rule with an invoice requesting payment of the bed fee.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.26.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-28	Shall	The invoice <b>shall</b> include all the following information:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.26.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-28	Shall	..., which <b>shall be</b> thirty days after the mailing.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.26.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-28	Shall	..., ...where payment <b>shall be</b> submitted.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.26.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-14-28	Shall	For purposes of section 131.02 of the Revised Code, the department <b>shall</b> certify to the attorney general any payment not received by the department within one hundred and twenty days after the mailing date indicated on the invoice.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.26.</li> <li>•42 USC 3025.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-29	Shall	The SLTCO <b>shall</b> provide each representative with standard written information about the process outlined in this rule.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-14-29	Shall	The protocol for investigation and resolution <b>shall</b> include the following steps...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.16, 173.18.</li> <li>•42 USC 3025, 3058g.</li> <li>•45 CFR 1321.11, 1324.11, 1324.13, 1324.15</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	To determine if an individual who applies for the medicaid-funded component of the assisted living program meets all eligibility requirements for the program under..., ODM's administrative agency <b>shall</b> determine if the individual meets all medicaid financial eligibility requirements required by that rule...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.54, 173.542, 173.55.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	...and ODA's designee <b>shall</b> determine if the individual meets all non-financial eligibility [requirements] required by that rule.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.54, 173.542, 173.55.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	The two agencies <b>shall</b> coordinate processing the request for enrollment into the medicaid-funded component of the assisted living program.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.54, 173.542, 173.55.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	An individual who makes initial contact with ODM's administrative agency, ( <i>sic</i> ) <b>shall</b> apply for medicaid (unless already enrolled in medicaid) and for the medicaid-funded component of the assisted living program with the assistance of ODM's administrative agency.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.54, 173.542, 173.55.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	ODM's administrative agency <b>shall</b> determine if the individual meets all financial eligibility requirements...	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.54, 173.542, 173.55.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	...and <b>shall</b> notify ODA's designee of the individual's application.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.54, 173.542, 173.55.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	In response, ODA's designee <b>shall</b> initiate contact with the individual to conduct an in-person assessment to determine if the individual meets all non-financial eligibility requirements.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.54, 173.542, 173.55.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	An individual who makes initial contact with ODA's designee <b>shall</b> apply for medicaid (unless already enrolled in medicaid) and for the medicaid-funded component of the assisted living program with the assistance of ODA's designee.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.54, 173.542, 173.55.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-38-03	Shall	ODA's designee <b>shall</b> conduct an in-person assessment to determine if the individual meets all non-financial eligibility requirements.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	After the individual applies for the medicaid-funded component of the assisted living program, ODA or its designee <b>shall</b> notify the individual of the existence of the state-funded component of the assisted living program in...and offer the individual an opportunity to apply for enrollment in the state-funded component of the program.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall not	If ODM's administrative agency or ODA's designee determines the individual does not meet all eligibility requirements for the program under...., ODA's designee <b>shall not</b> enroll the individual in the program.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	If ODM's administrative agency determines the individual does not meet all financial eligibility requirements, it <b>shall</b> notify ODA's designee and send the individual a notice of denial and hearing rights under...and....	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	If ODA's designee determines the individual does not meet all non-financial eligibility requirements, it <b>shall</b> notify ODM's administrative agency...	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	...and, in turn, ODM's administrative agency <b>shall</b> send the individual a notice of denial and hearing rights under...and....	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	If ODM's administrative agency or ODA's designee determines the individual meets all eligibility requirements for the medicaid-funded component of the assisted living program under..., ODA's designee <b>shall</b> calculate the individual's medicaid waiver program enrollment date according to...and enroll the individual into the program according to....	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	According to..., ODA's designee <b>shall</b> establish the individual's medicaid waiver program enrollment date.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	ODA's designee <b>shall</b> establish the individual's medicaid waiver program enrollment date as the latest date that all the following requirements are met:	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall not	The medicaid-funded component of the assisted living program <b>shall not</b> pay for any service provided to an individual before ODA's designee establishes the medicaid waiver program enrolment date according to....	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-38-03	Shall	If a waiver slot in the medicaid-funded component of the assisted living program is available, and if ODA's designee has established the individual's medicaid waiver program enrollment date, ODA's designee <b>shall</b> enroll the individual into the program, if the individual continues to meet the eligibility requirements for the program and continues to want to enroll into the program.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall not	ODA's designee <b>shall not</b> place the individual on the unified waiting list.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	ODA's designee <b>shall</b> place the individual on the unified waiting list according to..., unless the individual qualifies for the home first component of the medicaid-funded component of the assisted living program as addressed in....	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	If an individual meets all requirements for the home first component of the assisted living program in..., ODA's designee <b>shall</b> enroll the individual before enrolling any individual from the unified waiting list.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	ODA's designee <b>shall</b> reassess each individual enrolled into the medicaid-funded component of the assisted living program no less often than one time each year after the date the individual enrolled not the program.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	After ODA's designee conducts each reassessment, if the individual continues to qualify for the medicaid-funded component of the program, the individual <b>shall</b> decide if he or she wishes to remain in the program.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-03	Shall	If the individual wishes to remain, the individual <b>shall</b> sign form ODA1044 as a condition of continued enrollment.	•121.07, 173.01, 173.02, 173.54, 173.542, 173.55. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-38-04	Shall	An RCF seeking to become an assisted living provider certified by ODA to provide goods and services according to ... <b>shall</b> apply to become so according to....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-01	Shall	"Activity plan" means a description of interventions and the dates and times the provider <b>shall</b> provide the interventions.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-01	Shall not	An application to become an ODA-certified provider <b>shall not be</b> approved until an RCF license is issued by ODH.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02	Shall	The provider <b>shall</b> meet all of the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> comply with ...and..., unless...exempts the provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> also comply with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> maintain a business site(s) from which to conduct business.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider's business site(s) for providing services <b>shall</b> meet the HCBS settings requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	Each business site in which the provider retains record (e.g., headquarters, regional offices) <b>shall</b> have a designated, locked storage space for retaining records that is accessible to ODA and its designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> have a valid email address and primary business telephone number locally listed under the provider's name or a toll-free telephone number available through directory assistance.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> have the following, unless the provider is a participant-directed provider:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> enter into, comply with, and maintain an active status with the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> have a written policy on documenting incidents that complies with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provide <b>shall</b> have an ODM-approved EVV system in place compliant with..., if that rule requires the provider to do so.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> remain in compliance with all requirements under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02	Shall	For any service ODA certified the provider to provide the provider <b>shall</b> comply with any rule in this chapter regulating the provision of that service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	As applicable, the provider <b>shall</b> report any reasonable cause to believe an individual suffered abuse, neglect, or exploitation to the local adult protective services program, as required by....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> also notify ODA or its designee within one business day after becoming aware of the reasonable cause.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> notify ODA or its designee of an incident no later than one business day after the provider is aware of the incident.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> notify ODA or its designee no later than one business day after the provider is aware of any significant change that may affect the individual's service needs, including one or more of the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> notify ODA or its designee of any change in the provider's telephone number, mailing address, or email address.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	Unless the provider is an assisted living provider, the provider <b>shall</b> notify the individual and ODA's designee in writing at least thirty days before the last day the provider provides services to the individual, unless one or more of the following occurs:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> comply with all state and federal laws and regulations governing individual confidentiality including....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall not	The provider <b>shall not</b> provide a service to an individual if the provider is the individual's spouse, parent, step-parent, legal guardian, power of attorney, or authorized representative.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall not	For agency and assisted living providers, the provider <b>shall not</b> allow a volunteer to provide any services ODA certified the provider to provide unless the volunteer is supervised by the provider's supervisory staff.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall not	For non-agency providers, the provider <b>shall not</b> allow a volunteer to provide any service ODA certified the provider to provide unless ODA's designee authorizes the provider to do so.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02	Shall not	For participant-directed providers, the provider <b>shall not</b> allow a volunteer to provide any service ODA certified the provider to provide unless ODA's designee and the individual authorize the provider to do so.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> comply with the person-centered planning requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall not	The provider <b>shall not</b> engage in any unethical, unprofessional, disrespectful, or illegal behavior[,] including the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> participate in ODA's or its designee's mandatory free provider training sessions.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> retain all records necessary and in such for, as to fully disclose the extent of the services the provider provided, and significant business transactions, until the latter of the following dates:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> retain all records regarding an employee's background checks and qualifications for the duration of their employment and for six years after the provider no longer employs the employee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> participate in good faith, and assist ODA and its designee with scheduling, any compliance reviews under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> , upon request, immediately provide representatives of ODA or its designee with access to its business site(s) during the provider's normal business hours, a place to work in its business site(s), and access to policies procedures, records, and documentation for each unit of service billed.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> bill only for a service if the provider complies with the requirements under all applicable laws, rules, and regulations, including service-verification requirements.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> accept the payment rates established in its provider agreement with ODA's designee as payment in full for the services it provides, and not seek any additional payment for services from the individual or any other person.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law



173-39-02	Shall	The provider may provide a service not authorized by the individual's person-centered services plan, but ODA (or its designee) <b>shall</b> only pay the provider for providing services authorized by the individual's person-centered services plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> comply with all applicable federal, state, and local laws, rules, and regulations.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	On the day the provider applies to become certified by ODA, the provider <b>shall</b> submit records verifying the provider has at least three months of experience providing the specific service for which it seeks certification from ODA to at least two Ohio adults in a HCBS setting.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider's experience <b>shall</b> include all of the following related to providing those services:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> disclose the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> provide ODA or its designee with written statements on the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> have written policies.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	Additionally, if the provider has a governing board, the provider <b>shall</b> have written bylaws;...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	...and, if the provider is incorporated, the provider <b>shall</b> have written articles of incorporation.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The policies, bylaws, or articles of incorporation <b>shall</b> include requirements for its employees to provide services in a manner compliant with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> provide a written statement to ODA or its designee certifying that he or she paid all applicable federal, state, and local income and employment taxes.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall be</b> at least eighteen years of age.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02	Shall	The provider <b>shall</b> have a valid social security number and at least one of the following current, valid, government-issued photographic identification cards:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> read, write, and understand English at a level that enables the provider to comply with this rule and any rule in this chapter to which the provider is subject.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall be</b> able to effectively communicate with the individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> acknowledge that any statute governing, or rule regulating, the assisted living program supersedes any clause in the RCF's resident agreement.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> have an RCF license issued under chapter 3701-16 of the Administrative Code, including complying with section 3721.121 of the Revised Code.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> disclose the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> provide ODA or its designee with written statements on the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> have written policies.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	Additionally, if the provider has a governing board, the provider <b>shall</b> have written bylaws;...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	...and, if the provider is incorporated, the provider <b>shall</b> have written articles of incorporation.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The policies, bylaws, or articles of incorporation <b>shall</b> include the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	In the residents' rights policy the provider adopts to comply with..., the provider <b>shall</b> require its employees to comply with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02	Shall	To comply with..., in the policy the provider adopts under...on reporting abuse, neglect, or exploitation to ODH, the provider <b>shall</b> also require reporting abuse, neglect, or exploitation to ODA or its designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	To comply with..., in the policy the provider adopts under..., the provider <b>shall</b> also require reporting incidents to ODA or its designee according to....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> remain in compliance with all requirements under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall not	The provider <b>shall not</b> engage in the following behaviors in addition to those in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> remain in compliance with all requirements under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall not	In addition to the list of unethical, unprofessional, disrespectful, or illegal behaviors in..., the provider <b>shall</b> also <b>not</b> engage n the behaviors listed in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> remain in compliance with all requirements under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> store the individual's records in a place in the home of the individual that is accessible to the provider, individual, and ODA or its designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> remain in compliance with all requirements under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> report when it has reasonable cause to believe an individual suffered abuse, neglect, or exploitation to ODH, as required by....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> also notify ODA or its designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall not	The assisted living program <b>shall not</b> pay for any service the provider provides to an individual before ODA's designee enrolls the individual into the program and before ODA's designee authorizes the service in the individual's person-centered services plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02	Shall not	If an individual is absent from the RCF, the provider <b>shall not</b> accept a payment for the service under...or charge the individual an additional fee for the service or charge the individual an additional fee to hold the unit during the individual's absence.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	The provider <b>shall</b> transfer or discharge an individual under the terms of....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall	If the provider terminates its medicaid-provider agreement, pursuant to....., it <b>shall</b> provide written notification to the individual and to ODA's designee at least ninety days before terminating the provision of services to the individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02	Shall not	ODA <b>shall not</b> certify a provider if ODA previously revoked the provider's certification with ODA.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Every ODA-certified provider of ADS <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> transport each individual to and from the ADS center by performing a transportation service that complies with....., unless the provider enters into a contract with another provider who complies with....., or unless the caregiver provides or designates another person or non-provider, other than the ADS center provider, to transport the individual to and from the ADS center.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The case manager <b>shall</b> assess each consumer's needs and preference then specify which service level will be approved for each consumer.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> retain records to show that it provides the service at the level that the case manager authorized.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> assess the individual before the end of the individual's second day of attendance at the center.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.1	Shall	The provider <b>shall</b> include both of the following components:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	No later than thirty days after the individual's initial attendance at the ADS center or before the individual receives the first ten units of service at the ADS center, whichever comes first, the provider <b>shall</b> either obtain a health assessment of each individual from a licensed healthcare professional whose scope of practice includes health assessments...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	...or <b>shall</b> require a staff member who is such a licensed healthcare professional to perform a health assessment of each individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The health assessment <b>shall</b> include the individual's psychosocial profile...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	... <b>shall</b> identify the individual's risk factors, diet, and medications.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	If the licensed healthcare professional who performs the health assessment is not a staff member of the provider, the provider <b>shall</b> retain a record of the professional's name and phone number.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	No later than thirty days after the individual's initial attendance at the ADS center or before the individual receives the first ten units of service at the ADS center, whichever comes first, the provider <b>shall</b> either obtain the services of a licensed healthcare professional whose scope of practice includes developing activity plans to draft an activity plan for each individual...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	...or <b>shall</b> require a staff member who is such a licensed healthcare professional to draft an activity plan for each individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The plan <b>shall</b> identify the individual's strengths, needs, problems or difficulties, goals, and objectives.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The plan <b>shall</b> describe the individual's:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.1	Shall	Before administering medication or meals with a therapeutic diet, and before providing a nursing service, nutrition consultation, physical therapy, or speech therapy, the provider <b>shall</b> obtain a plan of treatment from a licensed healthcare professional whose scope of practice includes making plans of treatment.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> obtain the plan of treatment at least every ninety days for each individual that receives medication a nursing service, nutrition consultation, physical therapy, or speech therapy.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Instead, the provider <b>shall</b> comply with the diet-order requirements for therapeutic diets under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> conduct an interdisciplinary care conference for each individual at least once every six months.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> conduct the conference between the provider's staff members and invitees who choose to participate.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> invite the case manager to participate in the conference	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> invite any licensed healthcare professional who does not work for the provider, but who provided the provider with a health assessment of the individual or an activity plan for the individual, to participate in the conference.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	If the individual has a caregiver, the provider <b>shall</b> invite the caregiver to the conference.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> also invite the individual to the conference.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> invite the case manager, licensed healthcare professional, caregiver, or individual by providing the date and time to the case manager seven days before the conference begins.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.1	Shall	If the conference participants identify changes in the individual's health needs, condition, preferences, or responses to the service, the provider <b>shall</b> obtain the services of a licensed healthcare professional whose scope of practice includes developing activity plans to revise the activity plan accordingly...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	...or shall require a staff member who is such a licensed healthcare professional to revise the activity plan accordingly.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> retain records on each conference's determinations.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> post daily and monthly planned activities in prominent locations throughout the center.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> provide lunch and snacks to each individual who is present during lunchtime or snacktime.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Each meal that the provider provides <b>shall</b> comply with all requirements for the home-delivered meal service under..., except for the requirements in that rule that pertain to the delivery of the meal.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> only provide ADS in a center with the following specifications. ( <i>sic</i> )	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	If the center is housed in a building with services or programs other than ADS, the provider <b>shall</b> assure that a separate identifiable space and staff are available for ADS activities during all hours in which the provider provides ADS in the center.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The center <b>shall</b> comply with the...in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The center <b>shall</b> have at least sixty square feet per individual that it serves (not just individuals who are enrolled in an ODA-administered program), excluding hallways, offices, rest rooms, an storage areas.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The center <b>shall</b> store individuals' medications in a locked area that the provider maintains at a temperature that meets the storage requirements of the medications.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.1	Shall	The center <b>shall</b> store toxic substances in an area that is inaccessible to individuals.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The center <b>shall</b> have at least one working toilet for every ten individuals present that it serves (not just individuals who are enrolled in an ODA-administered program) and at least one wheelchair-accessible toilet.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	ODA <b>shall</b> only certify the provider to provide intensive ADS if the center has bathing facilities suitable to the needs of individuals who require intensive ADS.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> develop and annually review a fire inspection and emergency safety plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> post evacuation procedures in prominent locations throughout the center.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	At least quarterly, the provider <b>shall</b> conduct an evacuation drill from the center while individuals are present.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> retain records on the date and time it completes each evacuation drill.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> have fire extinguishers and smoke alarms in the center...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	...and <b>shall</b> routinely maintain them.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	At least annually, the provider <b>shall</b> conduct an inspection of the fire extinguishers and smoke alarms.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> retain records on the date and time it completes each inspection.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> have at least two staff members present whenever more than one individual is present, including one who is a paid personal care staff member and one who is certified in CPR.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law



173-39-02.1	Shall	The provider <b>shall</b> maintain a staff-to-consumer ratio of at least one staff member to every six individuals at all times.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> have a RN, or LPN under the direction of a RN, on site at the ADS center to provide nursing services that require the skills of a RN, or LPN under the direction of a RN, and that are within the nurse's scope of practice.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> employ an activity director to direct activities.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> only provide the service if ODA certified the provider as an agency provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	For each provider that ODA certified, ODA <b>shall</b> certify the provider as an enhanced or intensive provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Every RN, LPN under the direction of an RN, social worker, physical therapist, physical therapy assistant, speech therapist, dietitian, occupational therapist, or occupational therapy assistant, or other licensed professional acting as a personal care care ( <i>sic</i> ) staff member, <b>shall</b> possess a current, valid license to practice in their profession.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Each activity director <b>shall</b> possess at least one of the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Each activity assistant <b>shall</b> possess at least one of the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Each personal care aide <b>shall</b> possess at least one of the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Each staff member who provides transportation to individuals <b>shall</b> comply with all requirements under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> retain records to show that each staff member who has in-person interaction with individuals complies with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.1	Shall	Before each new personal care staff member provides ADS, the provider <b>shall</b> train the staff member on all of the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Before each new personal care staff member provides ADS, the provider <b>shall</b> train the staff member on all of the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Before each new personal care staff member provides ADS, the provider <b>shall</b> provide task-based training.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	Each staff member <b>shall</b> participate in at least eight hours of in-service or continuing education on appropriate topics each calendar year, unless the staff person holds a professional certification that requires at least eight hours in order to maintain the certification.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> retain records showing that it complies with the training requirements under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	In doing so, the provider <b>shall</b> list the instructor's title, qualifications, and signature; date and time of instruction; content of the instruction; and name and signature of ADS personal care staff completing the training.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> complete a performance review of each staff member in relation to the staff member's job description.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	The provider <b>shall</b> retain records to show that it complies with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.1	Shall	By one of the following two methods, the provider <b>shall</b> verify that each ADS session for which it bills was provided:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.2	Shall	Every ODA-certified provider of alternative meals <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.2	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.2	Shall	The provider <b>shall</b> comply with all the requirements for home-delivered meals in....except the rule's delivery requirements.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.2	Shall	Only an ODA-certified agency provider <b>shall</b> provide alternative meals.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	May not	The activity is offered in addition to medical transportation available under the medicaid state plan, and <b>may not</b> replace it.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> furnish the service as agreed upon with the individual and as authorized in the individual's service plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	Only a participant-directed individual provider that ODA certified or an agency provider that ODA certifies <b>shall</b> furnish the service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> complete an application to become an ODA-certified long-term care consumer-directed individual provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	At the request of an individual, the provider <b>shall</b> participate in an interview with the individual before providing the first episode of service to the individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider shall be at least eighteen years of age.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> have a valid social security number and at least one of the following current, valid, government-issued photographic identification cards:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> read, write, and understand English at a level that enables the provider to comply with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall be</b> able to effectively communicate with the individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	If the provider intends to transport the individual, before providing the the first episode of transportation, the provider <b>shall</b> show ODA's designee a valid driver's license and a valid insurance identification card to show that the provider has liability insurance for driving a vehicle that complies with the financial responsibility requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> only transport the individual in a vehicle for which ODA's designee has verified is insured.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.4	Shall	If the provider does not intent to transport the individual, the provider <b>shall</b> submit an email or written attestation below ODA's designee that declares that the provider will not transport the individual unless the provider complies with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	Training on this competency <b>shall</b> include the following topics:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	Beginning on July 1, 2014, every participant-directed provider that an individual hired on or after July 1, 2014 <b>shall</b> successfully complete training in the core competencies that ODA listed in...before furnishing the first episode of service to an individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	Beginning on September 1, 2014, every participant-directed provider that an individual hired before July 1, 2014 <b>shall</b> successfully complete training in the core competencies that ODA listed in...before continuing to furnishing ( <i>sic</i> ) services to an individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	Each year, the provider <b>shall</b> successfully complete at least eight hours of continuing education before his or her anniversary date of enrollment as an ODA-certified participant-directed provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> successfully complete any training that individual or ODA's designee consider necessary to meet the individual's needs.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The individual <b>shall</b> retain a copy of completed and signed form ODA1042 to verify that the provider complied with this rule's initial training requirements.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The individual <b>shall</b> retain a completed and signed form ODA1043 to verify that the provider complied with the continuing education requirements.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The individual <b>shall</b> also retain a copy of each certificate of completion and course syllabus that verifies that the provider complied with this rule's continuing education requirements.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> complete the time sheets the consumer furnishes through the financial management service,...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.4	Shall	...which <b>shall</b> include the date the provider furnished the service, the individual's name, the individual's signature, the provider's name, the provider's arrival and departure times, and the provider's written or electronic signature to verify the accuracy of the record.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> complete the service task sheet with a description of the activities the provider furnished.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> retain the service task sheet in the individual's home records.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.4	Shall	The provider <b>shall</b> continue to meet all the criteria under...in order to continue providing the service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.5	Shall	Every ODA-certified provider of home maintenance and chores <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.5	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.5	Shall	The provider <b>shall</b> comply with the requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.5	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider <b>shall</b> comply with the requirement in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.5	Shall	The negotiated rate <b>shall</b> include all administrative, labor, and material costs for a specific job.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.5	Shall	The provider <b>shall</b> not bill ODA's designee for any amount in excess of the negotiated rate, unless ODA's designee revised the negotiated rate in one of the following situations:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.6	Shall	Every ODA-certified provider of PERS <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.6	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.6	Shall	The provider <b>shall</b> comply with the requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.6	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider shall comply with the requirement in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	The agency provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	...and the non-agency provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	The provider <b>shall</b> provide professional, ongoing assistance when needed to evaluate and adjust equipment and supplies delivered, and/or to instruct the individual or the individual's caregiver in the use of equipment and supplies.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	The provider shall <b>assume</b> liability for equipment warranties...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	...and <b>shall</b> install, maintain, and/or replace any defective parts or items specified in those warranties.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	Before ODA's designee may authorize equipment or supplies the provider <b>shall</b> document the equipment and supplies to be purchased were not covered (in full or in part) by medicare, state plan medicaid, and other third-party payer.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	The provider <b>shall</b> , in collaboration with the case manager, ascertain and recoup any third-party resource(s) available to the individual before billing Oda or its designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	The provider <b>shall</b> submit the price for an item to be purchased or rented no more than two business days after the case manager's request.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	The provider <b>shall</b> purchase, deliver, and install (as appropriate) the authorized item(s) before submitting a bill to ODA's designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall not	The billed amount for each item <b>shall not</b> exceed the item rate authorized by the case manager.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.7	Shall	The provider <b>shall</b> verify the successful completion of each activity (i.e., delivery, installation, or education) it provides using either an electronic or manual system)...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	...and <b>shall</b> retain documentation verifying the delivery of HME.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	Regardless of the system used, the verification <b>shall</b> include the individual's name, date of delivery, installation, or education, and itemization of each activity completed.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	Delivery of HME <b>shall be</b> verified by one of the following methods:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	If a provider uses a common carrier to deliver HME, the provider <b>shall</b> verify the success of the delivery by using the method in...or by retaining the common carrier's tracking statement or returned postage-paid delivery invoice.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall	A provider using common carriers <b>shall</b> replace any HME item lost or stolen between the time of delivery and receipt by the individual at no cost to the individual, ODA or its designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.7	Shall not	The provider <b>shall not</b> verify an HME activity was successfully provided with the signature of the provider, an employee of the provider, or any other person with a financial interest in the HME.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The provider <b>shall</b> maintain a record documenting each episode of homemaker activities provided to each individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The record <b>shall</b> include the date of service, a description of the activities performed, the name of the aide providing the activities, the aide's arrival and departure time, and the aide's written or electronic signature to verify the accuracy of the record.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	A provider that does not utilize an electronic verification system to document services and keeps records <b>shall</b> also obtain the individual's signature for each episode of service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The provider <b>shall</b> maintain adequate staffing levels to provide the service at least five days per week...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.8	Shall	...and <b>shall</b> possess a back-up plan to ensure the service is provided during staff absences.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The provider <b>shall</b> develop written personnel requirements, including all the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	Homemaker aides <b>shall</b> meet at least one of the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	Before providing homemaker activities to an individual, the provider <b>shall</b> conduct written testing, and skill testing by return demonstration, of all homemaker aides not listed on the Ohio department of health's nurse aide registry for all subject areas listed in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The training and testing <b>shall be</b> documented by the provider,...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	...and the documentation <b>shall</b> include training site information, the date of training the number of hours of training, a list of instruction materials and the subject areas covered, the qualifications of the trainer and the tester, the signatures of the trainer and tester verifying the accuracy of the record and all testing requirements.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	Homemaker supervisors <b>shall</b> meet at least one of the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	Before allowing any staff member to provide homemaker activities, the provider <b>shall</b> train the staff member on all the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The provider <b>shall</b> assure and document a minimum of eight hours of continuing education for each staff member every twelve months on topics listed in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The supervisor shall complete and document an individual home visit, which may occur at the initial homemaker visit to the individual to define the expected activities of the homemaker aide and prepare a written activities plan consistent with the case manager authorized plan that has been completed by the case manager and the individual before the individual's first episode of service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law



173-39-02.8	Shall	The supervisor <b>shall</b> evaluate the homemaker aide's compliance with the activities plan, the individual's satisfaction, and job performance during a home visit with the individual at least every ninety three days to evaluate the homemaker aide's compliance with the plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	The visit <b>shall be</b> documented documented, including the date of the visit, the name of the homemaker supervisor, the name of the individual,...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.8	Shall	...and <b>shall</b> include the signature of the individual and the homemaker supervisor or the electronic signature of the homemaker supervisor.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.9	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.9	Shall	The provider <b>shall</b> comply with the requirements in...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.9	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider <b>shall</b> comply with the requirement in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.9	Shall	The negotiated rate <b>shall</b> include all administrative, labor, and material costs for a specific job.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.9	Shall not	The provider <b>shall not</b> bill ODA's designee for any amount in excess of the negotiated rate, unless ODA's designee approves a revised rate.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	Every ODA-certified provider of nutritional consultations <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	Only a licensed dietitian ("dietitian") working for an ODA-certified agency provider, or a licensed dietitian working as an ODA-certified non-agency provider <b>shall</b> provide consultations to individuals.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The PASSPORT program <b>shall</b> only pay for consultations under the following circumstances:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.10	Shall not	The provider <b>shall not</b> provide a consultation to an individual's authorized representative or caregiver unless the licensed healthcare professional ordered the consultation to improve the individuals well-being.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall not	The provider <b>shall not</b> provide consultations to an individual in excess of what the case manager authorizes in the individual's service plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The provider <b>shall</b> only bill ODA's designee for a consultation if the case manager identifies the provider in the service order for the individual.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall not	The provider <b>shall not</b> provide consultations to an individual if the individual is receiving a similar service under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	For an initial consultation, the dietitian <b>shall</b> only provide a face-to-face consultation.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	For subsequent consultations, the dietitian <b>shall</b> only provide the consultations if the consultations occur on a face-to-face basis or by a telecommunication system.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The provider <b>shall</b> conduct an initial, individualized assessment of the individual's nutritional needs and, when necessary, subsequent assessments, using a tool that identifies whether the individual is at nutritional risk or identifies a nutritional diagnosis that the dietitian will treat.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The tool <b>shall</b> include the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The provider <b>shall</b> provide the case manager, the individual, and the individual's authorized representative (if the individual has authorized a representative) with a copy of the assessment no later than seven business days after the provider completes the assessment.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The provider <b>shall</b> develop, evaluate, and revise, as necessary, a nutrition intervention plan with the individual's and case manager's assistance and, when applicable, the assistance of the licensed healthcare profession who authorized the consultations.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.10	Shall	In the plan, the provider <b>shall</b> outline the purposely-planned actions for changing nutrition-related behavior, risk factors, environmental conditions, or health status,...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	... which, at a minimum, <b>shall</b> include the following information about the individual:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The provider <b>shall</b> use the nutrition intervention plan to prioritize and address the identified nutrition problems.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The provider <b>shall</b> provide the case manager, the individual, and the licensed healthcare professional who ordered the consultations with a copy of the nutrition intervention plan no later than seven business days after the provider develops or revises the plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The provider <b>shall</b> develop and retain a clinical record for each individual that includes the individual's:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	Discharge summary, which the dietitian who provided the consultations <b>shall</b> sign and date at the point he or she is no longer going to provide consultations to the individual or the individual no longer needs consultations.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	The summary <b>shall</b> indicate what progress the individual made towards achieving the measurable outcomes of the individual's nutritional goals and any recommended follow-up consultations or referrals.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.10	Shall	By one of the following two methods, the provider <b>shall</b> verify that each consultation for which it bills was provided:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> maintain staffing at adequate levels to provide personal care seven days a week, including possessing a back-up plan for providing personal care when the provider has no PCA or PCA supervisor available.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> only allow a person to serve as a PCA if the person meets at least one of the following qualifications and the provider meets the verification requirements under...:	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.11	Shall	Before allowing a PCA or other employee to have direct, face-to-face contact with an individual, the provider <b>shall</b> provide the PCA or other employee with orientation training, that, at a minimum, addresses the following topics:	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> conduct additional training and competency evaluation for PCAs who are expected to perform activities for which they did not receive training or under go competency evaluation under....	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> ensure each PCA successfully completes eight hours of in-service continuing education every twelve months.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall not	Agency- and program-specific orientation <b>shall not</b> count toward the eight hours.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> retain copies of certificates of completion earned by each PCA after the PCA meets requirements under...for successfully completing any training and competency evaluation program, orientation, additional training, and continuing education under....	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	Additionally, the provider <b>shall</b> also record the following information for each PCA, and retain it, if it does not appear on the PCA's certificate of completion (or if the PCA did not receive a certificate of completion): training dates; training locations; training hours successfully completed; instruction materials used; subjects covered; and to verify the accuracy of the record, the name, qualifications, and signature of each trainer and each tester.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	If a person meets the initial qualifications to be a PCA under...by successfully competing a nurse aide training and competency evaluation program described in..., the provider <b>shall</b> retain a copy of the search results from ODH's nurse aide registry...to verify the registry listed the person as "active" or "in good standing."	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.11	Shall	If a person meets the initial qualifications to be a PCA under...by the previous employment experience described in..., the provider <b>shall</b> also retain records to verify the person's name, the former employer's name and contact information, the former PCA supervisors name, the date the person began working for the former employer, and the date the person stopped forking for the former employer.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> only allow a RN (or a LPN under the direction of a RN) to e a PCA supervisor, trainer, or tester.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> retain records to show each PCA supervisor maintains a current, valid license to practice as an RN (or a LPN under the direction of a RN).	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> ensure that a PCA supervisor is available to respond to emergencies when the PCAs are scheduled to work.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	Before allowing a PCA to begin providing personal care to an individual, a PCA supervisor <b>shall</b> complete and document a visit to the individual, which may occur at the initial PCA visit to the individual to define the expected activities of the PCA and prepare a written activity plan.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The PCA supervisor <b>shall</b> document this visit, including the date of the visit, the PCA supervisor's name, the individual's name, the individual's signature, and the PCA supervisor's signature.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	After the PCA's initial visit to an individual, the PCA supervisor <b>shall</b> conduct and document a visit to the individual at least once every sixty days to evaluate compliance with the activity plan, the individual's satisfaction, and the PCA's performance.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The PCA supervisor <b>shall</b> discuss recommended modifications to the activity plan with the case manager and PCA.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The PCA supervisor <b>shall</b> document these visits, including the date of the visit, the PCA supervisor's name, the individual's name, the individual's signature, and PCA supervisor's signature.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> develop, implement, comply with, and maintain written policies on all the following topics:	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.11	Shall	The provider <b>shall</b> comply with....	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	For each episode of personal care a PCA provides, the provider <b>shall</b> document and retain a record of the date of service delivery, a description of the activities provided, the PCA's name, the PCA's arrival and departure time, and the PCA's written or electronic signature to verify the accuracy of the record.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	A provider that does not use an electronic verification system <b>shall</b> also obtain the individual's signature for each episode of personal care.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	Every ODA-certified participant-directed provider of personal care <b>shall</b> comply with the following requirements:	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified participant-directed personal care provider in....	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> provide personal care as agreed upon with the individual and as authorized in the individual's service plan.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The individual <b>shall</b> develop his or her own activity plan with the provider.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The individual and the provider <b>shall</b> date and sign a copy of the plan.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> retain a copy of the plan.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	A provider <b>shall</b> only begin to provide personal care if the provider meets the following requirements and retains records to show that he or she meets the following requirements:	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> meet at least one of the following qualifications:	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.11	Shall	The provider successfully completed a nurse aide training and competency evaluation program approved by ODH under..., which the provider <b>shall</b> verify by retaining a copy of the search results from ODH's nurse aide registry...to verify the registry listed the person as "active" or "in good standing."	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> only continue to provide personal care if he or she meets the following requirements:	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	If the provider no longer meets the qualifications, the provider <b>shall</b> no longer provide personal care.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> complete the time sheets the individual provides through the FMS,...	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	... which <b>shall</b> include the date the provide provided personal care, a description of the activities the provider provided, the individual's name, the individual's signature, the provider's name, the provider's arrival and departure times, and the provider's written or electronic signature to verify the accuracy of the record.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	The provider <b>shall</b> retain records required under this rule and provide access to those records for monitoring according to....	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.11	Shall	In accordance with..., if the same provider provides personal care during the same visit to more than one but fewer than four PASSPORT individuals in the same home, as identified in the individuals' service plans, the provider's payment rate for personal care provided to one person in the home <b>shall be</b> one hundred per cent of the per-unit rate listed in the provider agreement and seventy-five per cent of the per-unit rate for each subsequent PASSPORT individual in the home receiving services during the visit.	•121.07, 121.36, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> deliver the service in the individual's residence, unless the individual and case manager authorize another arrangement.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> assess each individual, including the individual's psycho-social, financial, and environmental statuses.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.12	Shall	The provider <b>shall</b> furnish the case manager with a copy of the assessment report no later than seven business days after the provider completes the assessment.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> develop and revise, as necessary with the assistance of the individual, any caregiver, and the case manager, a treatment plan that includes the recommended method of treatment and the recommended number of counseling sessions.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> furnish the case manager with a copy of the treatment plan no later than seven business days after the provider completes the assessment.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> offer the individual a copy of the treatment plan no later than seven business days after the provider completes the assessment, unless there re clinical indications against furnishing the individual with a copy of his or her treatment plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	If the individual declines to retain a copy o his or her treatment plan, the provider <b>shall</b> retain a record that the provider offered to furnish the individual with a copy of his or her treatment plan, but that the individual declined.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> implement the treatment plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider shall develop and retain a clinical record for each individual that includes the individual's:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	Discharge summary, which the professional who provided the service <b>shall</b> sign and date at the point he or she is no longer going to provide the service to the individual or the individual no longer needs the service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	In the summary, the professional <b>shall</b> include records on the service outcomes and the progress made toward the goals specified in the individual's service plan,...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	...and <b>shall</b> record any follow-ups or referrals that the professional recommends.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> furnish a copy of the summary to the individual and the individual's case manager.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law



173-39-02.12	Shall	No person <b>shall</b> provide the service unless the person is employed by a provider that ODA certifies as an agency provider, or unless ODA certifies the person as a non-agency provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	An agency provider <b>shall</b> assure that the agency's direct-care staff includes a licensed professional clinical counselor (LPCC), a licensed professional counselor (LPC), a licensed psychologist (MA or PhD), and independent marriage and family therapist (IMFT), a licensed independent social worker (LISW), a licensed social worker (LSW), or a marriage and family therapists ( <i>sic</i> ) (MFT).	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	No individual <b>shall</b> provide the service under the employment of the agency provider unless the individual is a licensed professional clinical counselor (LPCC), a licensed professional counselor (LPC), a licensed psychologist (MA or PhD), an independent marriage and family therapist (IMFT), a licensed independent social worker (LISW), a licensed social worker (LSC), a marriage and family therapist (MFT), or a registered nurse (RN) who holds a certificate of authority from the Ohio board of nursing in psych0mental health nursing specialty.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> retain records to show that each counseling staff member holds a license in good standing with his or her respective Ohio professional license board, and has at least one year of counseling experience.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> supervise and licensed social worker (LSW), licensed professional counselor (LPC), or marriage and family therapist (MFT) whom the provider employs according to the requirements of...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The supervisor of a LSW, LPC, or MFT <b>shall</b> co-sign all initial assessments and all treatment plans prepared by the LSW, LPC, or MFT.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	No person <b>shall</b> provide the service as a non-agency provider unless the person is an independent marriage and family therapist (IMFT), a licensed professional clinical counselor (LPCC), licensed psychologist (MA or PhD), a licensed independent social worker (LISW), or registered nurse (RN) who holds a certificate of authority from the Ohio board of nursing in psych-mental health nursing specialty.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.12	Shall	The provider <b>shall</b> retain records to show that he or she holds a license in good standing with his or her Ohio professional licensure board, and has at least one year of counseling experience.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> only bill ODA's designee for a service provider under the PASSPORT program if the case manager identifies the provider in the individual's service order.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall not	The provider <b>shall not</b> provide the service to an individual if the individual is receiving a similar service under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall not	The provider <b>shall not</b> provide the service in place of a case management service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall not	The provider <b>shall not</b> provide a service to an individual's authorized representative or caregiver if the service is unrelated to the individual's well-being.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The provider <b>shall</b> retain a record of the case manager's service order.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	For each service provided, the provider <b>shall</b> retain a record of the:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.12	Shall	The case manager <b>shall</b> record the individual's signature of choice in the individual's service plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	The agency provider <b>shall</b> possess a back-up plan for transporting individuals when a driver or vehicle is unavailable.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	A non-agency provider <b>shall</b> possess a back-up plan for transporting individual when the provider or the provider's vehicle is unavailable.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	As part of each trip, the driver <b>shall</b> help the individual safely transfer between the pick-up point and the vehicle, safely enter and exit the vehicle, and safely transfer between the vehicle and the destination point.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.13	Shall	The provider <b>shall</b> maintain vehicles according to the manufacturer's maintenance schedule for each vehicle used to transport individuals.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	If the vehicle includes a wheelchair lift, the provider <b>shall</b> maintain the wheelchair lift according to the manufacturer's maintenance schedule for the wheelchair lift.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	The provider <b>shall</b> conduct the following inspections on each vehicle used to transport consumers.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	If the vehicle includes a a wheelchair lift, the provider's inspection <b>shall</b> include inspecting the wheelchair lift:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	The provider <b>shall</b> only use a vehicle for transporting individuals if a mechanic who is certified by the national institute for automotive service excellence (i.e., "ASE-certified") or another mechanic approved by ODA's designee inspected it no more than twelve months before and the answers to all questions on the form were "yes."	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	The provider <b>shall</b> only use a vehicle if, before providing the first trip of the day, the provider inspected it and the answers to all questions required by the form were "yes."	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall not	The provider <b>shall not</b> hire a person to be a driver unless the person meets all the requirements for driver sunder....., subject to the following conditions:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	To comply with the first-aid requirement, the applicant's training <b>shall</b> come from a training organization approved by the board of EMFTS....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	To comply with the cardiopulmonary-resuscitation requirement, the applicant's training <b>shall</b> come from a training organization approved by the board of EMFTS....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	To comply with the drug-testing requirement, the applicant's test result <b>shall</b> come from a CLIA-certified laboratory...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	...and <b>shall</b> declare the applicant to be free of alcohol, amphetamines, cannabinoids (THC), cocaine, opiates, or phencyclidine (PCP).	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.13	Shall	To comply with the background-check requirement, the provider shall comply with the background-check requirements in Chapter 173-9 of the Administrative Code, which exempts an applicant for a volunteer driver position and an applicant for a position solely involving transporting individuals while working for a county transit system, regional transit authority, or regional transit commission.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall not	The provider <b>shall not</b> hire a person to be a driver unless the person meets all the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	No later than six months after the provider hires a driver, the driver <b>shall</b> successfully complete a passenger-assistance training course approved by the board of EMFTS....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.13	Shall	For each trip provided, the driver <b>shall</b> record the individual's name; date of trip; pick-up point and time of the pick up; destination point and time of the drop off; driver's name, and a unique identifier of the individual which by offering, the individual attests to the completion of the trip.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.14	Shall	Every ODA-certified provider of home-delivered meals <b>shall</b> comply with the following requirements:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.524.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.14	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified provider in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.524.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.14	Shall	For all meals, the provider <b>shall</b> comply with the requirements in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.524.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.14	Shall	If ODA's designee authorizes home-delivered meals for an individual, the provider <b>shall</b> provide the individual with home-delivered meals that are kosher if the individual requests a kosher diet.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.524.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.14	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider <b>shall</b> comply with the requirement in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.524.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-39-02.15	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522.</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-39-02.15	Shall	The provider <b>shall</b> comply with the requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.15	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider <b>shall</b> comply with the requirement in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The provider <b>shall</b> maintain the capacity to provide each of the components of the service and...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	... <b>shall</b> provide any one or more components of the service that the consumer's case manager authorizes in the consumer's service plan,....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The provider's registered nurse or licensed practical nurse <b>shall</b> :	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The provider <b>shall</b> provide each consumer with a private, residential living unit that is designated solely for the consumer, except as permitted under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The provider <b>shall</b> only allow a consumer to share a private, residential living unit if:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The unit <b>shall</b> have a lock that allows the consumer to control access to the unit at all times, unless the provider maintains documentation from a physician that was issued within the previous three hundred sixty-five days in which the physician determines that the consumer's diagnosis indicates that the consumer's ability to lock the unit is likely to have an adverse effect on the consumer's health or welfare.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The unit <b>shall</b> include a bathroom with a toilet, a sink, and a shower/bathtub, all of which are in working order	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The unit <b>shall</b> include identifiable space, separate from the sleeping area, that provides seating for the resident and one or more visitors for socialization.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The provider <b>shall</b> provide common areas that are accessible to the consumer,....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law

173-39-02.16	Shall	The provider <b>shall</b> retain, either directly or through the use of a subcontractor, the services of a registered nurse or a licensed practical nurse....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The provider <b>shall</b> furnish a sufficient number of on-duty staff members to meet the on-duty response service requirement under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall not	The provider <b>shall not</b> allow any staff member who is under eighteen years of age to:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.16	Shall	The provider <b>shall</b> document that, before each staff member provides his/her first service to a consumer, he/she is trained in the following subject areas:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.54, 173.543, 173.547, 173.548. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.17	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.17	Shall	The provider <b>shall</b> comply with the requirements in...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.17	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider <b>shall</b> comply with the requirement in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.17	Shall	The negotiated rate <b>shall</b> include any expenses listed under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.17	Shall not	The provider <b>shall not</b> bill ODA's designee for any amount in excess of the negotiated rate, unless ODA's designee approves a revised rate.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352.	Yes, both state and federal law	Yes, both state and federal law
173-39-02.18	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.18	Shall	The provider <b>shall</b> comply with all requirements for ODA-certified providers of non-emergency medical transportation under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 4766.14, 4766.15. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.19	Shall	The provider of a home-delivered kosher meal <b>shall</b> comply with...as much as possible while complying with kosher practices for meal preparation and dietary restrictions.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.524. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.19	Shall	The provider <b>shall</b> provide evidence to ODA's designee that the home-delivered kosher meals that it provides are certified as kosher by a recognized kosher certification or a kosher establishment under orthodox rabbinic supervision.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.524. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	Before the provider provides the initial episode of ECL to an individual, the direct-service staff supervisor <b>shall</b> :	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> obtain the individual's signature to verify that the individual was involved in the development of his or her person-centered activity plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	After the individual begins to receive ECL, the direct-service staff supervisor <b>shall</b> :	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> retain a record of the person-centered activity plan, including:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> maintain adequate staffing levels to provide each ECL activity.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The supervisor <b>shall</b> maintain accessibility to respond to individual's emergencies in the housing site during any time that a staff member is providing ECL to an individual in the housing site.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> maintain adequate staffing levels to provide face-to-face, person-centered ECL seven days a week for a minimum of six hours a day.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> maintain adequate staffing levels to provide each ECL activity.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.20	Shall	During each hour the provider has a staff member providing ECL to an individual in a housing site, the provider <b>shall</b> ensure that an other individual has a mechanism to contact a direct-service staff member to request assistance with intermittent and unplanned personal care needs related to the measurable health goals and modifiable healthcare risks described in the individual's activity plan.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	Each day, the provider <b>shall</b> provide adequate on-site staff members for no fewer than six hours (or, twenty-four units) to meet the individuals' assessed, intermittent, and unscheduled healthcare needs.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> provide an RN to monitor the health status of individuals.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	In doing so, the provider <b>shall</b> schedule adequate on-site nursing staff for no fewer than three hours (or, twelve units) each week.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	A provider <b>shall</b> only provide ECL if both of the following conditions are met:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> only employ a person as a supervisor if the person is currently licensed as an RN.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> only employ a person to provide face-to-face activities to individual if the provider received evidence, and retains evidence, that the person successfully completed an ODA-approved home health aide training program listed on....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> provide face-to-face, person-entered activities to individuals through a primary team that consists of direct-service e staff members and RNs who regularly provide activities within a given housing site and, as a result, are familiar with the individuals in the housing site.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> replace any primary staff member who is absent with a back-up staff member who is familiar with the housing site and the individuals residing in the housing site.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	An RN <b>shall</b> supervise the primary team and also any back-up direct-service staff members.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law



173-39-02.20	Shall	The provider <b>shall</b> train the staff member in the areas that include, but are not limited to, the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	A RN <b>shall</b> provide a basic overview of the chronic disease(s) or chronic health condition(s) specific to the individual being serviced, the principles of self-managing chronic diseases or chronic health conditions, and a ( <i>sic</i> ) individual's right to assume a responsibility for his or her own healthcare decisions.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> orient the staff member with the housing site and introduce the individuals he or she will serve.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	Each direct-service staff person of the provider <b>shall</b> complete at least eight hours of in-service continuing education every twelve months, excluding agency and program-specific orientations.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.20	Shall	The provider <b>shall</b> develop and retain a daily activity record for each individual that includes all of the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.21	Shall	No agency <b>shall</b> accept a referral to provide personal care to an individual unless it has adequate staffing levels of PCAs and PCA supervisors to provide the number of hours ODA's designee authorized for each service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.21	Shall	No participant-directed individual provider <b>shall</b> provide the choices home care attendant service...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.21	Shall	...and no participant-directed personal care provider <b>shall</b> provide personal care if in excess of the following limits:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.22	Shall	Every ODA-certified provider of a waiver nursing service <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.22	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.22	Shall	The provider <b>shall</b> comply with the requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-02.22	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider <b>shall</b> comply with the requirement in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.23	Shall	Every ODA-certified provider of a waiver nursing service ( <i>sic</i> ) <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.23	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.23	Shall	The provider <b>shall</b> comply with the requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.23	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider <b>shall</b> comply with the requirement in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.24	Shall	Every ODA-certified provider of a home care attendant service <b>shall</b> comply with the following requirements:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.24	Shall	The provider <b>shall</b> comply with the requirements for every ODA-certified agency provider in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.24	Shall	The provider <b>shall</b> comply with the requirements in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-02.24	Shall	If a conflict exists between a requirement in...and a requirement in..., the provider <b>shall</b> comply with the requirement in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	To apply for certification, the provider <b>shall</b> submit an online application on....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	The provider <b>shall</b> complete the application within ninety days after the provider starts the online application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	If the provider does not complete the application within ninety days, the application <b>shall</b> expire.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-03	Shall	If an individual (i.e., participant) wishes to employ (i.e., direct) a provider as his or her participant-directed provider, the individual <b>shall</b> interview the provider before the provider submits an online application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	ODA's designee <b>shall</b> visit the provider's business site to determine if the provider meets the applicable requirements in...and any additional requirements in...regulating a service the provider is seeking certification to provide.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	ODA's designee <b>shall</b> complete the review and notify ODA or its recommendation within ninety days after receiving a complete application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	If ODA's designee determines a provider, other than an ADS or assisted living provider, complies with all applicable requirements, it <b>shall</b> recommend approval of the provider's application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	ODA's designee <b>shall</b> conduct the review of a participant-directed provider at the individual's home...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Must	...and the individual <b>must be</b> present for the review, unless the individual agrees, in writing, to an alternate location and to not participate	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	If ODA's designee determines the provider does not comply with all applicable requirements, it <b>shall</b> recommend denial of the application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	ODA or its designee <b>shall</b> determine whether the provider complies with all applicable requirements, and either approve or deny the provider's application pursuant to this rule.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	HCBS <b>shall</b> only be provided in an individual's residence or another setting that meets the HCBS settings requirements specified in...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	ODA <b>shall</b> determine if a setting is presumed to have the qualities of an institution.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	If ODA determines the setting is presumed to have the qualities of a HCBS setting, the setting <b>shall</b> undergo heightened scrutiny as described in...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	If...requires a setting to undergo heightened scrutiny, ODA <b>shall</b> defer action on the application for certification until the conclusion of the review described in...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-03	Shall	ODA <b>shall</b> notify the provider if action on its application is deferred under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	ODA <b>shall</b> base its final determination of whether to certify a provider based on the review of the application materials and the recommendation of ODA's designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	If ODA approves the application, ODA shall notify ODA's designee for the region in which the provider is being certified to provide services.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	ODA's designee <b>shall</b> enter into an agreement with each provider specifying, at a minimum, the following:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall not	The rate of payment per unit the provider is willing to accept which <b>shall not</b> exceed any limits ODM establishes in....and....for the PASSPORT program, and...and...for the assisted living program.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	If ODA approves an application to be a provider of community transition through the home choice program, ODA <b>shall</b> enter into an agreement with the provider or, at ODA's sole discretion, ODA may direct its designee to enter into an agreement with the provider specifying the items in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Prohibit	The provider is <b>prohibited</b> from being certified pursuant to..., or....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03	Shall	If ODA denies a provider's application, ODA <b>shall</b> notify the provider of its final determination and any applicable hearing rights established in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.1	Shall	ODA <b>shall</b> determine if a setting requires heightened scrutiny by HHS's secretary.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.1	Shall	If ODA determines a setting requires heightened scrutiny under..., ODA <b>shall</b> review information submitted by the provider, conduct an on-site visit of the setting, and complete form ODM 10204..., titled....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.301, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.1	Shall	Before submitting an application for heightened scrutiny to the HHS secretary, ODA <b>shall</b> offer the provider a thirty-day opportunity to comment on the application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.301, 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-03.1	Shall	ODM, on behalf of ODA, <b>shall</b> offer public-comment periods four times per year.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.301, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.1	Shall	ODM, on behalf of ODA, <b>shall</b> submit form...and any supplemental material, if requested, to HHS's secretary for heightened scrutiny of the setting.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.301, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.1	Shall	If HHS's secretary determines the provider's setting does not meet HCBS settings requirements, ODA <b>shall</b> notify the provider of the final determination and any applicable hearing rights established in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.301, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.1	Shall	If HHS's secretary determines the provider's setting meets HCBS settings requirements, the provider <b>shall</b> retain its certification so long as it continues to comply with this chapter.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.301, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	This rule <b>shall</b> apply in all instances where there is a change of ownership interest involving an ODA-certified provider obtaining a new TIN according to any rule adopted by the internal revenue service (IRS) or any change in organization structure of an ODA-certified provider involving a person with an ownership interest or management interest, including non-profit providers.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	The provider's current owner(s) <b>shall</b> notify ODA in writing of a change of ownership interest or change of organizational structure (change) no later than forty-five days before the change, unless...requires notifying ODA sooner.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	The current owner(s) <b>shall</b> email their written notice to ODA at....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	In the notice, the current owner(s) <b>shall</b> include a notarized statement including all of the following information, as applicable and to the extent it is available to the current owner(s) at the time the notice is submitted.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	In the event information is not available at the time written notice is required, the current owner(s) <b>shall</b> supplement the written notice until all the following information is provided.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall not	The relinquishment of the provider's certification means a provider <b>shall not</b> bill ODA after the date the change is finalized.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law

173-39-03.2	Shall	If a provider with a new TIN intends to seek payment from ODA for services it provides after a change, the provider <b>shall</b> apply to become an ODA-certified provider according to the application process in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	After an assisted-living provider has applied for new certification from ODA during a change, neither the current nor the new owner(s) <b>shall</b> discharge residents from the RCF for non-payment until ODA makes a final determination regarding certification of the provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	Every provider <b>shall</b> maintain compliance with those requirements from the effective date of ODA certification and thereafter to maintain ODA certification.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	For a provider subject to federal heightened scrutiny under..., the new owner(s) <b>shall</b> , at a minimum, implement policies, procedures, to maintain compliance with the HCBS settings requirements under..., and any other requirements under....at the time of the change of ownership interest and thereafter.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.2	Shall	When applying for ODA certification, the new owner(s) <b>shall</b> email a notarized statement demonstrating compliance with this requirement to ODA at....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR Part 441	Yes, both state and federal law	Yes, both state and federal law
173-39-03.3	Shall	The provider <b>shall</b> submit a complete application to become certified to provide an additional service in a region in which it is already certified.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.3	Shall	Only complete applications <b>shall be</b> processed.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.3	Shall	ODA's designee <b>shall</b> visit the provider's business site to conduct an on-site pre-certification review to determine if the provider meets the requirements of...to be certified to provide the additional service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.3	Shall	ODA's designee <b>shall</b> visit the provider's business site to conduct an on-site pre-certification review to determine if the provider meets the requirements of...to be certified to provide the additional service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.3	Shall	ODA's designee <b>shall</b> complete the on-site review and notify ODA of its recommendation within ninety days after receiving a complete application, unless the situation in...applies.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-03.3	Shall	ODA's designee <b>shall</b> complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.3	Shall	ODA's designee <b>shall</b> complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.3	Shall	ODA and its designee <b>shall</b> follow the process under...for an approved application for certification to provide an additional service in a region for which it is already certified.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.3	Shall	ODA and its designee <b>shall</b> follow the process under...for a denied application to be become certified to provide an additional service in a region for which it is already certified.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	An assisted-living provider certified by ODA for one RCF <b>shall</b> obtain a new certification for each additional RCF pursuant to....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	The provider <b>shall</b> submit a complete application to become certified to provide the service for which it is already certified in an additional region or additional business site within the same region.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	Only complete applications <b>shall be</b> processed.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	If the provider does not complete the application within ninety days of the date the application is requested, the application <b>shall</b> expire.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	ODA's designee <b>shall</b> visit the provider's business site to conduct an on-site pre-certification review to determine if the provider meets the requirements of...to provide the service for which it is already certified in the additional region or additional business site within the same region.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	ODA's designee <b>shall</b> complete the on-site review and notify ODA of its recommendation within ninety days after receiving a complete application, unless the situation in...applies.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	ODA's designee <b>shall</b> complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	ODA's designee <b>shall</b> complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-03.4	Shall	ODA and its designee <b>shall</b> follow the process under...for an approved application for certification to provide the service for which it is already certified in an additional region or additional business site within the same region.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.4	Shall	ODA and its designee <b>shall</b> follow the process under...for a denied application to become certified to provide the service for which it already certified in an additional region or additional business site within the same region.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.5	Shall	Individuals that submit with their applications for ODA provider certification proof that they are a service member or veteran, as...defines those terms, or the spouse or surviving spouse of a service member or veteran, <b>shall</b> receive priority processing of their application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543, 5903.03, 5903.04. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.5	Shall	If the applicant answers affirmatively that he or she is a service member, veteran, or the spouse or surviving spouse of a service member or veteran, the applicant <b>shall</b> submit supporting documents along with their application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543, 5903.03, 5903.04. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.5	Shall	ODA or its designee <b>shall</b> track and monitor the total number of applications submitted by service members, veterans, or their spouse or surviving spouse, and the average number of business days it takes to process the application.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543, 5903.03, 5903.04. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-03.5	Shall	The individual <b>shall</b> provide ODA or its designee with supporting documents demonstrating that the military training was successfully completed and is substantially equivalent to or exceeds the training requirements in this chapter.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543, 5903.03, 5903.04. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	ODA's designees <b>shall</b> conduct the reviews.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	If a business site is located outside the geographic region of the state in which the provider's administrative offices are located including those with business sites outside of Ohio, ODA (or ODA's designee) <b>shall</b> determine whether to perform a desk review or an on-site review.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	If a unit of service error is detected during a unit of service verification, the provider <b>shall</b> return the overpayment of funds to ODA (or ODA's designee).	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	<b>Must</b> occur at least annually, from the first date of service delivery as a certified provider through the second year of service delivery;	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law



173-39-04	Must	<b>Must</b> occur at least once every two years after the first two years of service, if the provider furnishes a pest-control service, emergency response services, chore services, home medical equipment services, minor home maintenance services, or transportation services;	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	<b>Must</b> occur at least annually for those providers of services no listed in...;	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	<b>Must be</b> announced by ODA's designee by placing a telephone call, or sending a written announcement, to the provider before the visit and on-site introductory conference with the provider, except as noted in...;	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	<b>Must</b> include an evaluation of compliance with each applicable condition of participation set forth in..., and each applicable service specification listed in...;	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	<b>Must</b> include verification that a sample of paid service units were furnished according to the requirements set forth in...and..., as appropriate;	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	<b>Must</b> include an exit conference with the provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	The evaluation described in... <b>must be</b> based on a review of a ten per cent sample of the provider's current certified service delivery records for each service the provider furnished, with a minimum of three and a maximum of thirty records reviewed for each certified ( <i>sic</i> ) the provider furnished during the quarter preceding the date of the on-site structural compliance review.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	The structural compliance review for certified providers that furnish both personal care and homemaker services <b>must be</b> a combined review...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	...and the total sample <b>must</b> equal the sample size required in....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	ODA's designee <b>must</b> notify ODA within one business day when the health and/or safety of one or more consumer is at imminent risk.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-04	Must	If a provider is determined to be out of compliance in an area that poses a serious threat to the health and/or safety of one or more consumers, the provider <b>must</b> demonstrate compliance within five business days.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	Within forty-five business days of the on-site review, ODA's designee <b>must</b> issue to the provider a written structural compliance review report, including a summary of areas of non-compliance.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	Within forty-five business days from the date the structural compliance review report is mailed by ODA's designee, the provider <b>must</b> submit evidence of compliance with the regulations that were determined to have been violated during the on-site structural compliance review.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	The repayment <b>must be</b> completed using acceptable state auditing procedures.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Require	As specified in..., all certified long-term care providers <b>are required</b> to retain records to verify each episode of service delivery.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Require	Certified providers <b>are required to</b> provide such records and documentation to ODA, ODA's designee, the secretary of the United States department of health and human services, the auditor of state, and the Ohio department of job and family services upon request.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	If waste and abuse are apparent, ODA <b>shall</b> take action to gain compliance and recoup inappropriate payments.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	The provider <b>must</b> retain all records as stipulated in...and....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	The provider <b>must</b> retain all records as stipulated in...and....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	Records, documentation, and information <b>must be</b> available regarding any services for which payment has been or will be claimed to determine that payment has been or will be made in accordance with applicable federal and state requirements.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-04	Shall	All records, documentation, and/or information requested in accordance with... <b>shall be</b> submitted to ODA (or ODA's designee), in an appropriate manner as determined by ODA.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	Records subject to audit and review <b>must be</b> produced at no cost to ODA (or ODA's designee).	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	Records subject to audit and review <b>must be</b> made available for examination in the time period determined by ODA (or ODA's designee).	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	Upon request from ODA, the provider <b>shall</b> photocopy or make the applicable records available for photocopying.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	ODA's designee <b>shall</b> conduct the review.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	ODA's designee <b>shall</b> conduct the review of each provider at least annually.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	ODA's designee <b>shall</b> conduct the review at a location that is mutually agreeable to ODA's designee, the consumer, and the provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	In each review, ODA's designee <b>shall</b> evaluate the provider's compliance with...; and..., if the provider furnishes a home care attendant service; or...if the provider furnishes a personal care service.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	ODA's designee <b>shall</b> review records for each consumer served during the quarter preceding the review.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	ODA's designee <b>shall</b> furnish the provider and the consumer with an exit conference immediately after it concludes the review.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	ODA's designee <b>shall</b> issue to the provider and the consumer a written review report no later than forty-five business days after it reviewed the provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	If ODA's designee determines that the provider doesn't comply in an area that does not place the health or safety of one or more consumers at imminent risk, the provider <b>shall</b> demonstrate compliance to ODA's designee in no more than forty-five days.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-04	Shall	If ODA's designee determines that the provider does not comply because of unit of service errors, by using acceptable state auditing procedures, the provider <b>shall</b> return overpaid funds to ODA or ODA's designee.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall	ODA's designee <b>shall</b> notify ODA no more than one business day after it determines that the health or safety of one or more of a provider's consumers is at imminent risk.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Shall not	If the provider refuses to supply any records that ODA's designee requests to conduct its review, ODA's designee <b>shall not</b> pay the provider for any outstanding services.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	ODA <b>must</b> have the authority to use statistical methods to conduct audits an to determine the amount of overpayment.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Require	Except as otherwise provided in..., ODA <b>is required</b> to give a provider an opportunity to appeal a disciplinary action that is not subject to the conditions in...or...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Prohibit	A provider <b>is prohibited</b> from reapplying for certification after ODA revokes its certification.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Require	Except as otherwise provided in..., ODA <b>is required</b> to give a provider an opportunity to appeal a disciplinary action that is not subject to the conditions in...or ....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-04	Must	"Notice of operational deficiency" means a formal written notice issued by ODA, pursuant to an audit and review, that identified provider conduct, treatment or practices that are determined by ODA not to be in the best interest of the consumer or the long term care service program, and/or are noncompliant with the regulations governing the long term care service program, that <b>must be</b> corrected.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-06	Shall	If ODA proposes to deny an individual or government entity certification as a community-based long-term care service provider or to sanction a certified provider pursuant to..., ODA <b>shall</b> send the provider written notice of the intended action via registered mail, return receipt requested.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-06	Shall	Except as otherwise required by..., the notice <b>shall</b> include:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-06	Shall	ODA <b>shall</b> mail a copy of the notice to the provider's attorney or other representative of record.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-06	Shall	To qualify as an attorney or representative of record, the provider or the attorney or representative <b>shall</b> notify ODA, in writing, that the attorney or representative is to be designated the attorney or representative of record.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-06	Shall	The notification <b>shall</b> include the address where ODA should mail the notice to the attorney or representative of record.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-06	Shall not	Failure to mail a copy of the notice to the attorney or representative of record <b>shall not</b> result in failure of other wise perfected service upon the provider.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-06	Shall	If a provider is a corporation doing business in Ohio or is incorporated in Ohio, the mailing of the notice to the corporation's statutory agency pursuant to... <b>shall</b> perfect service if ODA complies with all the requirements of....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-06	Shall	ODA <b>shall</b> mail, ordinary mail, proof of publication, and a copy of the first publication of the notice in a newspaper to the provider at the providers last known place of residence or business.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-07	Must	any request for a hearing made as the result of notice issued pursuant to... <b>must be</b> made in writing,....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-07	Must	... <b>must</b> clearly identify both the provider involved and the proposed action that is being contested,....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-07	Must	...and <b>must be</b> mailed or delivered to ODA within thirty calendar days of the mailing of the notice.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	ODA <b>shall</b> conduct all appeal hearings resulting from a proposal to deny certification as a community-based long-term care provider or to sanction a provider in accordance with....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	ODA <b>shall</b> employ a hearing examiner to conduct all hearings initiated under....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-08	Shall	ODA <b>shall</b> provide written or electronic notice of the hearing's date, time, and place before the date of the hearing to all participants in the hearing and file a copy of the written notice in the record of the hearing.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	The appellant <b>shall</b> file any request to present the case entirely in writing with the hearing examiner.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	Any appellant who elects to present the case entirely in writing <b>shall</b> do so in accordance with any procedures the hearing examiner ordered.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	The hearing examiner's order <b>shall be</b> in writing and filed in the record of the hearing.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	During the course of any hearing, the participants to the proceeding may enter into oral stipulations of fact, procedure, or the authenticity of documents which the hearing examiner <b>shall</b> incorporate into the record...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	...and <b>shall</b> bind the conduct of the participants.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	The hearing examiner conducting the case may require any participant to reduce his or her oral stipulations a written document that the participant <b>shall</b> submit to the hearing examiner.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	If the hearing examiner refuses to admit evidence or testimony the participant seeking admission of same <b>shall</b> make a proffer thereof...	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	...and the hearing examiner <b>shall</b> make such proffer a part of the record of the hearing.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	Upon the conclusion of any hearing, the hearing examiner <b>shall</b> prepare a written report of findings of fact, conclusions of law, and recommendations of actions for OA to take in disposition of the hearing.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	ODA <b>shall</b> send a copy of the hearing examiner's report and recommendations by certified mail, return receipt requested, to the appellant or the appellant's attorney within five days of receiving the report and recommendations.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-39-08	Shall	The report <b>shall be</b> considered to have been mailed as of the date appearing on....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	Any such objections <b>shall be</b> received by ODA no later than ten days after the appellant receives the report.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	ODA's director <b>shall</b> consider timely written objections before approving, modifying, or disapproving the hearing officer's recommendations.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	ODA's director <b>shall</b> include the reasons therefore and incorporate said reasons into the final order of adjudication.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	ODA's director <b>shall</b> mail to the appellant and any attorney of record by certified mail, return receipt requested, a copy of the order, and a statement of the time and method by which an appeal may be perfected.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	Any party desiring an appeal pursuant to... <b>shall</b> file an original notice of appeal with ODA setting forth the order appealed from and the ground of the party's appeal.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Must	In order to be determined filed with ODA, the notice of appeal <b>must be</b> received by ODA, as evidenced by an ODA date-and-time stamp, no later than fifteen days after the mailing to the affected party, as evidenced by..., of the order to be appealed from.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-39-08	Shall	The appellant <b>shall</b> also file a copy of the notice of appeal with the court of common pleas no later that ( <i>sic</i> ) fifteen days after the mailing to the affected party, as evidenced by..., of the order to be appealed from.	•121.07, 173.01, 173.02, 173.39, 173.391, 173.52, 173.522, 173.54, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-40-02	Shall	ODA or its designee <b>shall</b> disenroll any such individual from the state-funded component of the PASSPORT program who is found eligible for enrollment in the medicaid-funded component of the PASSPORT program.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-02	Shall	ODA or its designee <b>shall</b> only consider the individual's income and assets when determining the individual's financial eligibility for the state-funded component of the PASSPORT program.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-02	Shall	ODA or its designee <b>shall</b> calculate the inability to pay for nursing facility care in accordance with one of the following:	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law

173-40-02	Shall	If the most recent period of continuous enrollment in the state-funded component of the PASSPORT program for the individual began before April 1, 1988, the individual <b>shall</b> present ODA or its designee with records to verify he or she lacks eleven thousand, seven hundred, and nine dollars in income and assets available within a ninety day period to pay for nursing facility care without assistance from the medicaid program.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-02	Shall	If the most recent period of continuous enrollment in the state0-funded component of the PASSPORT program for the individual began on or after April 1, 1088, the individual <b>shall</b> present ODA or its designee with records to verify he or she lacks five thousand, eight hundred, fifty-four dollars, and fifty cents in income and assets available within a forty-five day period to pay nursing facility care without assistance from the medicaid program.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-02	Shall not	An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets all the requirements under... <b>shall not</b> participate in the state-funded component of the PASSPORT program for more than ninety days.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	ODA or its designee <b>shall</b> disenroll any individual who no longer meets all requirements under...unless the only requirement the individual no longer meets is the PETI (i.e., patient-liability or share of cost)requirement ( <i>sic</i> ) listed in...	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall not	ODA or its designee <b>shall not</b> provide the individual with an opportunity for a hearing in accordance with...if ODA or its designee disenrolls the individual for either or both of the following reasons.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall not	After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or its designee <b>shall not</b> subsequently re-enroll the individual back into the state-funded component of the PASSPORT program on the basis of the presumptive eligibility.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law



173-40-03	Shall not	After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or its designee <b>shall not</b> subsequently enroll the individual into the medicaid-funded component of the PASSPORT program until ODM's administrative agency determines the individual meets all medicaid financial eligibility requirements and ODA or its designee determines the individual meets all non-financial eligibility requirements under....	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall not	After ODA or its designee disenrolls an individual from the state-funded component of the PASSPORT program, ODA or tis designee <b>shall not</b> subsequently enroll the individual into the state-funded component of the assisted living program.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	ODA or its designee <b>shall</b> provide...to an individual as a notice of a proposed adverse action against the individual, if ODA or its designee proposes any one or more of the following:	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	On..., ODA or its designee <b>shall</b> provide notice of an individual's opportunity to appeal the proposed adverse action by requesting a hearing in accordance with....	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	ODA or its designee <b>shall</b> also print a mailing date on the form.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	If an individual wishes to appeal ODA's or its designee's proposed adverse action, the individual <b>shall</b> request a hearing.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	To request a hearing, the individual <b>shall</b> sign...and mail the signed form to ODA, addressed as follows:	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	In order for ODA to accept the request for a hearing, ODA <b>shall</b> have received the original signed form...in its office before five p.m. on or before the thirtieth day after ODA or its designee mailed form...to the individual.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	If ODA does not receive the original signed form on or before the thirtieth day, ODA <b>shall</b> proceed with a final order containing findings.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	Whenever ODA or its designee reassesses the condition and service needs of the individual, ODA or its designee <b>shall</b> verify if the individual continues to meet all eligibility requirements under....	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	ODA or its designee <b>shall</b> reassess each the ( <i>sic</i> ) individual to assess the individual's condition and service needs at least once every twelve months or at any time the individual's condition or service needs change substantially.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law

173-40-03	Shall	At least once every six months ODA or its designee <b>shall</b> develop and implement a revised person-centered service plan for the individual so long as the individual continues to meet all the eligibility requirements under....	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	If the individual does not continue to meet all the eligibility requirements under..., ODA or its designee <b>shall</b> provide the individual with a written notice of intent to disenroll the individual from the state-funded component of the PASSPORT program.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	When the individual's services are suspended for any reason for sixty calendar days, ODA or its designee <b>shall</b> provide the individual (or the individual's authorized representative, if any), ( <i>sic</i> ) with notice of disenrollment from the state-funded component of the PASSPORT program.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	Suspensions which ultimately result in disenrollment <b>shall</b> have a disenrollment date that is retroactive to the first day of the suspension of services.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall not	ODA or its designee <b>shall not</b> provide the individual with an opportunity for a hearing in accordance with....if ODA or its designee disenrolls an individual if the individual voluntarily disenrolled from the state-funded component of the PASSPORT program under the requirements of....	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall not	After ODA or its designee disenrolls the individual from the state-funded component of the PASSPORT program, ODA or its designee <b>shall not</b> subsequently re-enroll the individual back into the state-funded component of the PASSPORT program on the basis of presumptive eligibility.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall not	After ODA or its designee disenrolls the individual from the state-funded component of the PASSPORT program, ODA or its designee <b>shall not</b> subsequently enroll the individual into the state-funded component of the assisted living program.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	ODA or its designee <b>shall</b> provide form...to an individual as a notice of a proposed adverse action against the individual, if ODA or its designee proposes any one or more of the following:	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	On form..., ODA or its designee <b>shall</b> provide notice of an individual's opportunity to appeal the proposed adverse action by requesting a hearing in accordance with...	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	ODA or its designee <b>shall</b> also print a mailing date on the form.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	If an individual wishes to appeal ODA's or its designee's proposed adverse action, the individual <b>shall</b> request a hearing.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law

173-40-03	Shall	To request a hearing, the individual <b>shall</b> sign...and mail the signed form to ODA, addressed as follows:	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	In order or ODA to accept the request for a hearing, ODA <b>shall</b> have received the original signed form...in its office before five p.m. on or before the thirtieth day after ODA or its designee mailed form...to the individual.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-03	Shall	If ODA does not receive the original signed form on or before the thirtieth day, ODA <b>shall</b> proceed with a final order containing findings.	121.07, 173.01, 173.02, 173.522.	Yes, state law	Yes, state law
173-40-04	Shall	A person or entity that seeks to become an ODA-certified provider for the state-funded component of the PASSPORT program shall apply to become so under ....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-40-05	Shall	The service plan for an individual enrolled in the state-funded component of the PASSPORT program <b>shall</b> only authorize services allowed under...for the medicaid-funded component of the PASSPORT program.	•121.07, 173.01, 173.02, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-40-05	Shall not	While a provider may provide an individual enrolled in the state-funded component of the PASSPORT program with a service not authorized in the individual's service plan, ODA or its designee <b>shall not</b> pay a provider for any service not explicitly authorized in the individual's service plan.	•121.07, 173.01, 173.02, 173.522. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	To determine if an individual who applies for the medicaid-funded component of the PASSPORT program meets all eligibility requirements for the program under..., ODM's administrative agency shall determine if the individual meets all medicaid financial eligibility requirements required by...	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	...and ODA's designee <b>shall</b> determine if the individual meets all non-financial eligibility requirements require by....	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	The two agencies <b>shall</b> coordinate processing the request for enrollment into the medicaid-funded component of the PASSPORT program.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	An individual who makes initial contact with ODM's administrative agency <b>shall</b> apply for medicaid (unless already enrolled in medicaid) and for the medicaid-funded component of the PASSPORT program.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	ODM's administrative agency <b>shall</b> determine if the individual meets all financial eligibility requirements...	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	...and <b>shall</b> notify ODA's designee of the application.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-42-03	Shall	ODA's designee <b>shall</b> initiate contact with the individual to conduct an in-person assessment to determine if the individual meets all non-financial eligibility requirement.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	An individual who makes initial contact with ODA's designee <b>shall</b> apply for medicaid (unless already enrolled in medicaid) and for the medicaid-funded component of the PASSPORT program with the assistance of ODA's designee.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	ODA's designee <b>shall</b> conduct an in-person assessment to determine if the individual meets all non-financial eligibility requirements.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	After the individual applies for the medicaid-funded component of the PASSPORT program, ODA or its designee <b>shall</b> notify the individual of the existence of the state-funded component of the PASSPORT program in...and offer the individual an opportunity to apply for enrollment in the state-funded component of the program.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall not	If ODM's administrative agency or ODA's designee determines the individual does not meet all eligibility requirements for the program under..., ODA's designee <b>shall not</b> enroll the individual in the program.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	If ODM's administrative agency determines the individual does not meet all financial eligibility requirements, it <b>shall</b> notify ODA's designee and send the individual a notice of denial and hearing rights under...and....	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	If ODA's designee determines the individual does not meet all non-financial eligibility requirements, it <b>shall</b> notify ODM's administrative agency...	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	ODA's designee <b>shall</b> notify the individual that he or she meets all eligibility requirements and enroll the individual into the program according to....	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	If a waiver slot in the medicaid-funded component of the PASSPORT program is available, ODA's designee <b>shall</b> enroll the individual into the program, if the individual continues to meet the eligibility requirements for the program and continues to want to enroll into the program.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall not	ODA's designee <b>shall not</b> place the individual on the unified waiting list.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

173-42-03	Shall	If an individual meets all the non-financial eligibility requirements, but a slot is not available in the PASSPORT program, ODA's designee <b>shall</b> place the individual on the unified waiting list according to..., unless the individual qualifies for the home first component of the PASSPORT program, as addressed in...	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	If an individual meets all requirements for the home first component of the PASSPORT program in..., ODA's designee <b>shall</b> enroll the individual before enrolling any individual from the unified waiting list.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	ODA's designee <b>shall</b> reassess each individual enrolled into the medicaid-funded component of the PASSPORT program no less often than one time each year after the date the individual enrolled into the program.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	After ODA's designee conducts each reassessment, if the individual continues to qualify for the medicaid-funded component of the program, the individual <b>shall</b> decide if he or she wishes to remain in the program.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-03	Shall	If the individual wishes to remain, the individual <b>shall</b> sign form...as a condition of continued enrollment.	•121.07, 173.01, 173.02, 173.52. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	A consumer <b>shall</b> only receive a service through the medicaid-funded component of the PASSPORT program if a case manager authorizes the service in the consumer's service plan.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	ODA's designee <b>shall</b> assure the health and welfare of each consumer while acknowledging that, according to this rule, every consumer has a right to make informed choices that ma impact his or her life.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If a consumer chooses chooses (sic) to direct a a (sic) provider, the case manager <b>shall</b> assess the consumer's strengths and weaknesses (and/or, if the consumer has an authorized representative, the authorized representative's strengths or weakness) related to his or her ability to direct a provider.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The case manager <b>shall</b> retain records supporting the determination.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The case manager <b>shall</b> allow the consumer to direct a provider if the case manager's assessment establishes that the consumer demonstrates an understanding of the components of the service...	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law

173-42-06	Shall	...the provider <b>shall</b> furnish, and understanding of how to direct the provider, and an understanding of, and ability to, perform the responsibilities of an employer.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If the case manager authorizes an alternative meal service, the consumer <b>shall</b> understand....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If the case manager authorizes pest control, the consumer <b>shall</b> understand....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If the case manager authorizes the choices home care attendant service, the consumer <b>shall</b> understand....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If the case manager authorizes home medical equipment, the consumer <b>shall</b> understand....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If the case manager authorizes home maintenance, minor home modification or home repair, the consumer <b>shall</b> understand....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If the case manager authorizes personal care, the consumer <b>shall</b> understand....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If the consumer who directs a consumer-directed provider desires to receive a service from another provider type, ODA's designee <b>shall</b> identify an secure a provider of another type.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If a consumer who does not direct a consumer-directed provider desires to receive a service from a consumer-directed provider, ODA's designee <b>shall</b> conduct the assessment under....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	To help the case manager develop a service plan that best addresses the consumer's needs, the consumer and the case manager <b>shall</b> meet face-to-face to develop his or her service plan.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> decide if anyone other than the case manager...	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	... <b>shall</b> participate in this meeting.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> inform each provider of his or her personal preferences about how the provider will furnish the duties, tasks, or interventions that the case manager authorizes in the consumer's service plan.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall not	The consumer <b>shall not</b> aid the provider in furnishing a service in a manner that does not comply with any rule or law that regulates the provider, including the ethical standards in....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law

173-42-06	Shall not	The consumer <b>shall not</b> request that the provider furnish a service in a manner that does not comply with any rule of ( <i>sic</i> ) law that regulates the provider, including the ethical standards in....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> report any incident involving the provider to the case manager.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	In turn, the case manager <b>shall</b> investigate any reported incident and report any incident that may impact the health and welfare of the consumer to ODA.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	In turn, the case manager <b>shall</b> investigate any reported incident and report any incident that may impact the health and welfare of the consumer to ODA.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> notify the provider if the provider (or the provider's staff) misses a scheduled service episode	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> notify the provider if the consumer is going to miss a scheduled service episode, unless the provider is already informed of the consumers absence.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	Immediately following the conclusion of each episode of service, the consumer <b>shall</b> furnish the provider's staff with his or her signature to verify that the provider's staff furnished the service.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> never sign blank timesheets or timesheets that the provider's staff completes before furnishing services.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	ODA's designee <b>shall</b> act as a facilitator to resolve conflicts between the consumer and the provider.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> notify the case manager if the consumer desires to change the type of provider from whom he or she receives a service.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	After the case manager has developed the service plan, the consumer <b>shall</b> notify the case manager of any significant change that may affect his or her service needs, including a change that may require more or fewer hours of service,...	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	...and the case manager <b>shall</b> revise the service plan accordingly.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The case manager <b>shall</b> furnish the consumer with a list of the consumer's rights and responsibilities listed din..., with the provider's requirements under..., and with other medicaid waiver information and materials.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law

173-42-06	Shall	In doing so, the case manager <b>shall</b> use communication mechanisms that are most effective for the consumer.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The case manager <b>shall</b> review these materials with the consumer and assist him or her to understand his or her specific responsibilities.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	If the case manager developed a service plan according to his or her determination that the consumer (and/or, the consumer's authorized representative) was able to direct a consumer-directed provider according to..., but the case manager later determines that the consumer is no longer able to direct a provider, the case manager <b>shall</b> implement an alternative service plan utilizing an agency or non-agency provider in place of the consumer-directed provider.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> recruit, select, and dismiss is or her consumer-directed provider...	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	...and the case manager <b>shall</b> assist the consumer in these responsibilities.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	For any person that he or she has under final consideration to hire as his or her consumer-directed provider, the consumer <b>shall</b> review databases and check criminal records according to....	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> work together to develop a back-up plan for furnishing a service if the provider cannot, or does not, meet his or her obligation to furnish a service to the consumer.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> work with the case manager and the provider to decide what, if any, additional orientation or training within the providers scope of practice is necessary for the provider to complete to meet the consumer's needs.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer and the case manager <b>shall</b> work with the provider to secure the educational opportunity.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> work with the case manager and the provider to decide what, if any, continuing education requirement within the provider's scope of practice is necessary to meet the consumer's expectations.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer and the case manager <b>shall</b> work with the provider to secure the educational opportunity.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law



173-42-06	Shall	The case manager <b>shall</b> assist the consumer to retain records that identify the method by which the consumer will verify that the provider furnishes each episode of service according to the service plan.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> work with ODA's designated financial management service for consumers who direct consumer-directed providers under the medicaid-funded component of the PASSPORT program.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer <b>shall</b> designate a location in his or her home in which the provider may safely store a copy of the consumer's activity pan in a manner that protects the consumer's confidentiality.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	The consumer and ODA's designee <b>shall</b> work together to monitor the provider's performance.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-42-06	Shall	ODA's designee <b>shall</b> communicate with the consumer in a manner that protects the consumer's right to confidentiality.	•121.07, 173.01, 173.02, 173.52. •42 CFR 431.51, 441.352	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	When an individual contacts the program administrator to seek information about options available to meet long-term care needs, the program administrator <b>shall</b> offer a long-term care consultation to the individual.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	When an individual applies for admission to a nursing facility or is seeking medicaid payment for a continued stay in a nursing facility, the program administrator <b>shall</b> provide a long-term care consultation to the individual.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	The nursing facility <b>shall</b> notify the program administrator of any individual who is a nursing facility resident that was admitted under a time-limited convalescent exemption or who was admitted under a categorical determination in accordance with..., but has since been found to require a stay in a nursing facility that will exceed the time limits specified in...	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	The nursing facility <b>shall</b> notify the program administrator no later than seventy-two hours after the expiration of the time limit, unless...exempts the individual.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	Upon being notified,, the program administrator <b>shall</b> determine if a long-term care consultation is required.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	If the nursing facility determines that an individual is exempt from a long-term care consultation under., the nursing facility <b>shall</b> document the reason for the exemption in the individual's record.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law

173-43-02	Shall	If the program administrator determines that it is not require to provide a long-term care consultation to an individual under..., the program administrator <b>shall</b> provide documentation to the individual (or the individual's representative, if any) and to the nursing facility (if known) that identifies the exemption being met.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	For an individual for whom the program administrator is required to provide a long0term care consultation, the program administrator, in consultation with the individual, <b>shall</b> determine whether to provide a long-term care consultation before or after admission to a nursing facility.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	The individual who is subject to the level-of-care review <b>shall</b> comply with the requirements for the level-of-care review.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	The program administrator providing the level-of-care review <b>shall</b> comply with....	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	The individual who is subject to the pre-admission screening and resident review <b>shall</b> comply with the requirements for the pre-admission screening and resident review.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	The program administrator providing the pre-admission screening and resident review <b>shall</b> comply with....	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	At the conclusion of the long-term care consultation, the program administrator <b>shall</b> provide the individual (or the individual's representative) with a written summary of the options and resources discussed.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	When providing a long-term care consultation, the program administrator <b>shall</b> focus on the individual's needs, circumstances, and values and provide the individual with information about options available to meet his or her needs.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall	At a minimum, the program administrator <b>shall</b> include the following information in each long-term care consultation:	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-02	Shall not	The nursing facility <b>shall not</b> deny or limit access to the facility or a resident of the facility to any person who is attempting to provide a long-term care consultation.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-03	Shall	The program administrator <b>shall</b> provide a long-term care consultation to each individual in one or more of the following categories, unless....exempt the individual.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-03	Shall	The nursing facility or the program administrator <b>shall</b> determine that the program administrator is not required to provide a long-term care consultation to an individual if any of the following apply:	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law

173-43-03	Shall	In making this determination, the program administrator <b>shall</b> consider factors such as medial condition, probably ( <i>sic</i> ) need for long-term care services, history of hospitalizations, availability of informal supports, and awareness of options available to determine the appropriateness of the long-term care consultation.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-03	Shall	To make this determination, the program administrator <b>shall</b> consider the availability of existing formal and informal support systems, the availability of potential formal and informal support systems, ( <i>sic</i> ) the functional abilities and limitations of the individual, the individual's diagnosis, the individual's prognosis, and the individual's plan of treatment, placing special emphasis on end-of-life treatment, because such a treatment is most likely an indicator that the individual will not benefit from ( <i>sic</i> ) a long-term care consultation.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-04	Shall	The program administrator <b>shall</b> complete every long-term care consultation no later than five calendar days after it receives a request for the long-term care consultation, unless the program administrator has an exemption from the five-day time frame under....	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-04	Shall	If an individual has applied for medicaid coverage, the program administrator <b>shall</b> complete the long-term care consultation in accordance with the applicable time frame for providing a face-to-face level-of-care determination.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-04	Shall	In such cases, the program administrator <b>shall</b> provide the long-term care consultation at a time that is mutually agreed-upon between the individual (or the individual's representative) and the program administrator.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-04	Shall	If the program administrator cannot complete the long-term care consultation before the date required under..., the program administrator <b>shall</b> provide the long-term care consultation as soon as practicable.	•121.07, 173.01, 173.02, 173.42. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	ODA <b>shall</b> only certify a person to provide a long-term care consultation who is an employee of the program administrator and who meets at least one of the following requirements:	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law

173-43-05	Shall	Any person who provides an in-person long-term care consultation that includes an assessment of the individual's functional capabilities, fulfills any portion of a required pre-admission screening and resident review determination, or fulfills any portion of a level-of-care review <b>shall</b> meet the requirements of....	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	No employee of a provider of long-term services and supports <b>shall</b> provide a long-term care consultation.	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	ODA <b>shall</b> only certify a person to provide a long-term care consultation if, according to..., the result of database reviews on the person or the person's criminal record...	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Prohibit	... <b>prohibit</b> the program administrator from hiring or retaining the person in a paid direct-care position.	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	ODA <b>shall</b> notify the program administrator [of] the date that it certifies a person to provide long-term care consultations.	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall not	If, at any time, a certified person no longer complies with this rule, the person <b>shall not</b> provide another long-term care consultation until he or she complies with....	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	The program administrator <b>shall</b> train and orient each certified person.	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	Training and orientation <b>shall</b> include the following topics:	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	Each certified person <b>shall</b> successfully complete fifteen clock hours of professional development every two years beginning with the date ODA certified the person to provide long-term care consultations.	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	The professional development curriculum <b>shall</b> transmit knowledge relevant to the duties involved in providing a long-term care consultation.	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law
173-43-05	Shall	For each certified person, the program administrator <b>shall</b> track and keep records demonstrating that the requirements of...are met.	•121.07, 173.01, 173.02, 173.42, 173.422. •42 USC 3002, 3012, 3025, 3032	Yes, both state and federal law	Yes, both state and federal law

173-44-04	Shall	If ODA's designee determines an individual meets all non-financial eligibility requirements for the program to which the individual applied, but a slot is not available for enrollment in the program,, ODA's designee <b>shall</b> place the individual on the unified waiting list established under...according to the latter of the [following dates: the] date the individual applied for the program to which the individual applied or the date the individual met all non-financial eligibility requirements for the program to which the individual applied.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.50, 173.501, 173.52, 13.521, 173.54, 173.542</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-44-04	Shall	With the exception of the circumstances specified in..., ODA's designee <b>shall</b> offer enrollment to any individual on the unified waiting list for the assisted living, PACE, or PASSPORT programs who meets all the eligibility requirements for the programs to which the individual applied, in compliance with the enrollment rule for the program to which the individual applied, according to the chronological order that ODA's designee placed him or her on the waiting list.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.50, 173.501, 173.52, 13.521, 173.54, 173.542</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-44-04	Shall	ODA's designee <b>shall</b> offer enrollment to an individual on the unified waiting list for the assisted living, PACE, or PASSPORT programs if the individual meets all of the eligibility requirements for the program to which the individual applied according to the chronological order ODA's designee placed the individual on the unified waiting list, unless prohibited by....	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.50, 173.501, 173.52, 13.521, 173.54, 173.542</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-44-04	Shall	If ODA's designee offers enrollment to an individual from the unified waiting list, but the individual declines enrollment, the individual may remain on the unified waiting list and ODA's designee <b>shall</b> offer enrollment to the next individual on the list according to the order this rule establishes.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.50, 173.501, 173.52, 13.521, 173.54, 173.542</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-44-04	Shall not	If a slot is available in the program to which an eligible individual applied, ODA's designee or the PACE organization <b>shall not</b> place the individual on the unified waiting list.	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.50, 173.501, 173.52, 13.521, 173.54, 173.542</li> <li>•42 CFR 441.352</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-45-03	Shall	ODA <b>shall</b> include the following information in the guide:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.46, 173.47, 173.49.</li> <li>•42 USC 1396a</li> </ul>	Yes, both state and federal law	Yes, both state and federal law
173-45-03	Shall	ODA <b>shall</b> include the following information in the guide to help the public compare and select long-term care providers:	<ul style="list-style-type: none"> <li>•121.07, 173.01, 173.02, 173.46, 173.47, 173.49.</li> <li>•42 USC 1396a</li> </ul>	Yes, both state and federal law	Yes, both state and federal law

173-45-05	Shall	Following a search query for long-term care providers, the guide <b>shall</b> present a list of all providers that meet the requirements specified in the search.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-05	Shall	For each provider listed, the guide <b>shall</b> present all comparative measures, electronic links to definitions and descriptions of the measures, and further detailed information about the measures, to the extent the information is available to ODA.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-05	Shall	For each provider, the guide <b>shall</b> include the following information:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06	Shall	Each facility <b>shall</b> provide the information under...to ODA except as otherwise provided in.....	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06	Shall	ODA <b>shall</b> provide each facility with access to its facility page and allow the facility to update the information on that page at any time.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06	Shall	An automated date-stamping mechanism <b>shall</b> reflect the date of the most recent update.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06	Shall	ODA <b>shall</b> ...	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06	Prohibit	... <b>prohibit</b> the facility from updating information on the facility page if the information would conflict with information obtain from a state or federal government agency.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06	Shall	If there is a need to update information that is reflected in a database or report from a state or federal government agency, the facility <b>shall</b> make the government agency that owns the database or report aware of the necessary update.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06	Shall	ODA <b>shall</b> include a disclaimer on the facility page that explains that the information appearing on each facility's facility page is provided and updated by the facility described on the page, and that the accuracy of the information appearing on a facility page is not routinely verified by ODA.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.1	Shall	ODA <b>shall</b> include a checklist in the guide that describes the services provided by, or in affiliation with, each facility listed in the guide.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.1	Shall	For the facility services specified in..., ODA <b>shall</b> include check boxes to indicate if a facility provides specific services, and if the facility provides the services within a specific unit of the facility.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law

173-45-06.1	Shall	A nursing facility <b>shall</b> attest that any box it checks to indicate that it provides the specific service accurately represents a service that it provides by checking the box on the electronic guide below the following statement:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.1	Shall	The facility <b>shall</b> make this attestation as part of the update procedures provided by....	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.1	Shall	Upon request from consumers, ombudsmen, or surveyors, a nursing facility <b>shall</b> provide documentation to demonstrate how any specialized service that it attested that it provides meets the description of the specialized service under...	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.1	Shall	ODA <b>shall</b> publish this disclaimer in the guide:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.1	Shall	ODA <b>shall</b> obtain information regarding the services listed in...from the facilities themselves and may also obtain information from publicly-available sources, in accordance with...	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	The facility page <b>shall</b> do the following for each nursing facility that provides the relevant information to ODA:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	The facility page <b>shall</b> identify the medical director, the licensed nursing home administrator, and the director of nursing; and a narrative description of their qualifications.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	The narrative field <b>shall</b> include, at a minimum, all of the following information about the medical director, the licensed [nursing] home administrator, and the director of nursing:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	The facility page <b>shall</b> list the percentage of agency pool staff used in providing care at the facility.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	ODA <b>shall</b> calculate the percentage as a percentage of the total care hours provided by the staff listed in....	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	The facility page <b>shall</b> indicate if the nursing facility makes permanent staff-to-unit/resident assignments.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	The facility page <b>shall</b> display staff-retention data.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	The facility page <b>shall</b> do the following for each residential care facility that provides the relevant information to ODA:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	The facility page <b>shall</b> identify the administrator and director of clinical services, if applicable, and provide the facility with an opportunity to provide a narrative description of their qualifications.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law

173-45-06.2	Shall	The narrative field <b>shall</b> include, at a minimum, the person's ( <i>sic</i> ) all of the following information about the administrator and director of clinical services:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	ODA <b>shall</b> provide each facility with an opportunity to submit the information that...require.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	ODA <b>shall</b> collect the information in accordance with...	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	ODA <b>shall</b> use an automatic date-stamp mechanism to reflect the date of the facility's most recent update.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-06.2	Shall	ODA <b>shall</b> recalculate the statewide averages and ranges that...requires at least quarterly.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-07	Shall	For each nursing facility for which data is available, ODA <b>shall</b> include in the guide the nursing facility's scores on each quality measure, as calculated by CMS, and the statewide average score on each quality measure, as calculated by CMS;...	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-07	Shall	...or; ODA <b>shall</b> present an electronic link where the guide's users may access the quality measures.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-08	Shall	ODA <b>shall</b> incorporate data derived from ODH's most recent survey of each facility in Ohio into the guide to allow the public to compare a facility to other facilities and to the statewide average.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-08	Shall	in doing so, ODA <b>shall</b> incorporate the following data into the guide:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-08	Shall	ODA <b>shall</b> include the following links in the guide:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-08	Shall	In the guide, ODA <b>shall</b> group facilities by peer groups that correspond [to] ODA's health districts.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-08	Shall	For each peer group, ODA <b>shall</b> display a peer-group average.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-08	Shall	ODA <b>shall</b> update, on a weekly basis, the data derived from ODH's surveys of nursing facilities and residential care facilities in Ohio, including licensure inspection reports for facilities not certified by medicare or medicaid, to the extent the updated information is available to Oda, and except as other wise provided in...	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-08	Shall	ODA <b>shall</b> retain four years of regulatory data for each facility in the guide.	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law



173-45-08	Shall	ODA <b>shall</b> display the following disclaimer in the guide along with the display of data derived from the surveys accompanied by ODH:	•121.07, 173.01, 173.02, 173.46, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-09	Shall	For the operation of the guide, ODA <b>shall</b> collect the following annual consumer guide fees from facilities:	•121.07, 173.01, 173.02, 173.48, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-09	Shall	From nursing facilities, ODA <b>shall</b> collect six hundred fifty dollars.	•121.07, 173.01, 173.02, 173.48, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-09	Shall	From residential care facilities, ODA <b>shall</b> collect three hundred fifty dollars.	•121.07, 173.01, 173.02, 173.48, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-09	Shall	ODA <b>shall</b> provide each facility described in...with an invoice requesting payment of the consumer guide fee.	•121.07, 173.01, 173.02, 173.48, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-09	Shall	The invoice <b>shall</b> include all the following information:	•121.07, 173.01, 173.02, 173.48, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-09	Shall	The deadline for receipt of payment, which <b>shall be</b> thirty days after the mailing date indicated on the invoice.	•121.07, 173.01, 173.02, 173.48, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-09	Shall	For purposes of..., ODA <b>shall</b> certify to the attorney general any payment not received by ODA within ninety days after the deadline for receipt of payment.	•121.07, 173.01, 173.02, 173.48, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-10	Shall	The guide <b>shall</b> include the following information that is derived each year from the annual consumer satisfaction survey of each long-term care facility conducted by ODA or a survey administrator pursuant to...:	•121.07, 173.01, 173.02, 173.44, 173.46, 173.47, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-10	Shall	Each survey administrator <b>shall</b> do the following:	•121.07, 173.01, 173.02, 173.44, 173.46, 173.47, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-10	Shall not	To protect the privacy of the survey's respondents, the long-term care consumer guide <b>shall not</b> report the results from any facility for which no more than two surveys were returned.	•121.07, 173.01, 173.02, 173.44, 173.46, 173.47, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-10	Shall	The number of completed surveys considered necessary for a facility to not exceed a ten per cent margin of error is based on the size of the facility and <b>shall be</b> governed by....	•121.07, 173.01, 173.02, 173.44, 173.46, 173.47, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-45-10	Shall	Any survey administrator conducting a consumer satisfaction survey on behalf of ODA <b>shall</b> take quality-assurance measures such as inter-rater reliability testing.	•121.07, 173.01, 173.02, 173.44, 173.46, 173.47, 173.49. •42 USC 1396a	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	ODM's administrative agency and the PACE organization <b>shall</b> coordinate efforts regarding the enrollment process.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	The applicant <b>shall</b> apply for medicaid (unless already enrolled in medicaid) with the assistance of ODM's administrative agency.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law

173-50-03	Shall	After the applicant applies, ODM's administrative agency <b>shall</b> determine if the applicant meets all financial eligibility requirements for medicaid in....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	If ODM's administrative agency determines the applicant does not meet all financial eligibility requirements, it <b>shall</b> send a notice of denial and appeal rights to the applicant or the authorized representative) according to....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	It <b>shall</b> also send a notice of denial to ODA and the PACE organization.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	Once a PACE organization receives the application, it <b>shall</b> contact the applicant to complete the application, and if necessary, and to provide the applicant with an in-person assessment to determine eligibility for PACE.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	Once the in-person assessment is completed, the PACE organization <b>shall</b> forward the information from its assessment to ODA.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	After receiving the information, ODA <b>shall</b> determine if the applicant meets all eligibility requirements in....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	ODA <b>shall</b> notify the PACE organization of its determination.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	Once the PACE organization receives the determination from ODA, it <b>shall</b> notify the applicant (or the authorized representative) of the approval of enrollment into PACE and provide the applicant (or the authorized representative) with an enrollment agreement to sign.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	In order to be enrolled into the program, the applicant <b>shall</b> sign the enrollment agreement and return it to the PACE organization.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	ODA <b>shall</b> notify the PACE organization of its determination.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	ODA <b>shall</b> provide the applicant (or the authorized representative) with a notice of denial and appeal rights in....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	The PACE organization <b>shall</b> provide the applicant with an in-person assessment to determine if the applicant meets the non-financial eligibility requirements for PACE.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	After the application is received, ODM's administrative agency <b>shall</b> determine if the applicant meets all financial eligibility requirements for medicaid in....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law

173-50-03	Shall	If ODM's administrative agency determines the applicant does not meet all financial eligibility requirements, it <b>shall</b> send a notice of denial and appeal rights to the applicant or the authorized representative) according to....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	It <b>shall</b> also send a notice of denial to ODA and the PACE organization.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	After completing the in-person assessment, the PACE organization <b>shall</b> submit the information from its assessment to ODA.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	After receiving the information, ODA <b>shall</b> determine if the applicant meets all eligibility requirements in....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	ODA <b>shall</b> notify the PACE organization of its determination.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	Once the PACE organization receives the determination from ODA, it <b>shall</b> notify the applicant (or the authorized representative) of the approval of enrollment into PACE and provide the applicant (or the authorized representative) with an enrollment agreement to sign.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	In order to be enrolled into the program, the applicant shall <b>sign</b> the enrollment agreement and return it to the PACE organization.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	ODA <b>shall</b> notify the PACE organization of its determination.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	ODA <b>shall</b> provide the applicant (or the authorized representative) with a notice of denial and appeal rights in....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	If a slot is not available in PACE, the PACE organization <b>shall</b> enroll the applicant when a slot does become available (if the individual continues to meet the eligibility requirements for PACE [and wants] to enroll in the ( <i>sic</i> ) PACE) by one of two means: the unified waiting list or the home-first component of PACE.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	If the applicant meets the non-financial eligibility requirements for enrollment into PACE, but a slot in the program is not available, the PACE organization <b>shall</b> place the applicant on the unified waiting list under the terms of....	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law
173-50-03	Shall	If the applicant meets all requirements for the home first component of PACE in...., the PACE organization <b>shall</b> enroll the applicant in PACE before enrolling any applicant from the unified waiting list in PACE.	•121.07, 173.01, 173.02, 173.50, 173.501. •42 CFR 460.152, 460.154, 460.156, 460.160	Yes, both state and federal law	Yes, both state and federal law

173-50-04	Shall	A participant who wishes to voluntarily disenroll from PACE <b>shall</b> initiate the voluntary disenrollment process by informing the PACE organization orally or in writing.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.152, 460.154, 460.156.	Yes, both state and federal law	Yes, both state and federal law
173-50-04	Shall	Once the PACE organization receives the participant's request, it <b>shall</b> provide the participant with a disenrollment form.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.152, 460.154, 460.156.	Yes, both state and federal law	Yes, both state and federal law
173-50-04	Shall	Once the participant receives the disenrollment form, he or she <b>shall</b> sign the form and return it to the PACE organization.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.152, 460.154, 460.156.	Yes, both state and federal law	Yes, both state and federal law
173-50-04	Shall	After the PACE organization receives the signed disenrollment form, it <b>shall</b> forward the form to ODA on the participant's behalf no later than one working day after receiving the form.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.152, 460.154, 460.156.	Yes, both state and federal law	Yes, both state and federal law
173-50-04	Shall	Once ODA receives a signed disenrollment form, it <b>shall</b> choose a date of disenrollment occurring no earlier than the date on which the signed disenrollment form was received by the PACE organization and no later than the first day of the month after the month during which the PACE organization forwards the disenrollment form to ODA.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.152, 460.154, 460.156.	Yes, both state and federal law	Yes, both state and federal law
173-50-04	Shall	After ODA chooses a date of disenrollment, it <b>shall</b> notify the participant in writing.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.152, 460.154, 460.156.	Yes, both state and federal law	Yes, both state and federal law
173-50-04	Shall	After a participant initiates a voluntary disenrollment, the PACE organization <b>shall</b> :	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.152, 460.154, 460.156.	Yes, both state and federal law	Yes, both state and federal law
173-50-04	Shall	After the participant initiates a voluntary disenrollment, he or she <b>shall</b> :	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.152, 460.154, 460.156.	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant from PACE for one or more of the following reasons:	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant after a thirty-day grace period for not paying (or satisfactorily arranging to pay) any premium or patient-liability costs owed to the PACE organization if the PACE organization documented at least one attempt it made in writing to the participant containing all the following components:	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant who commits medicaid fraud or medicaid eligibility fraud, as described in..., if the PACE organization has a signed narrative of the events from the staff person who discovered the fraud.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law

173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant who engages in abusive behavior (e.g. threats with a weapon, physical abuse, or recurrent verbal abuse) jeopardizing the participant's safety, other participants; safety, or the safety of employees of the PACE organization, an affiliate, or a subcontractor if the PACE organization has the following documentation ( <i>sic</i> ) retains one or both of the following records regarding at least one incident:	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant whose permanent residence is no longer located in the service area.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant for remaining outside the service area for a period of more than thirty consecutive days, unless the PACE organization authorizes a longer period of absence for extenuating circumstances.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant for being incarcerated for a period of more than thirty consecutive days.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant for not maintaining a satisfactory physician-patient relationship (e.g., repeated non-compliance with medical advice or repeated failure to keep appointments).	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant for not complying with the interdisciplinary team's care plan if all the following apply:	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant who no longer meets the level-of-care requirements and is not deemed eligible.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant if the PACE organization is unable to offer healthcare services because of a loss of state licenses or contracts with outside providers.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> involuntarily disenroll a participant if the agreement between the PACE organization, ODA, and CMS is not renewed or is terminated.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	If a PACE organization requests permission to disenroll a participant under..., it <b>shall</b> submit the request to ODA along with:	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law

173-50-05	Shall	The PACE organization <b>shall</b> continue to provide for the necessary services to the participant; and,	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The participant <b>shall</b> continue to obtain necessary services under medicaid only through the PACE organization.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	ODA <b>shall</b> approve or deny the request based upon the requirements in..., then notify the PACE organization and the participant.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> continue to provide necessary services to the participant;	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The participant <b>shall</b> continue to obtain necessary services under medicaid only through the PACE organization.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	It <b>shall</b> establish the last date of enrollment for the participant as:	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> notify the participant in writing of the last day of enrollment	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> continue to provide for the necessary services to the participant through the last day of enrollment;	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The participant <b>shall</b> continue to obtain necessary services under medicaid only through the PACE organization...	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	...and <b>shall</b> continue to remain liable for any premiums or patient-liability costs incurred through the last day of enrollment;	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	The PACE organization <b>shall</b> create a discharge plan for each participant who is involuntarily disenrolled, regardless of the reason for the disenrollment.	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-50-05	Shall	In each discharge plan, it <b>shall</b> state how it plans to:	•121.07, 173.01, 173.02, 173.50. •42 CFR 460.164	Yes, both state and federal law	Yes, both state and federal law
173-51-02	Shall not	An individual who is eligible for the state-funded component of the assisted living program <b>shall not</b> participate in the state-funded component of the assisted living program for more than ninety days.	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall	ODA or its designee <b>shall</b> disenroll an individual enrolled in the state-funded component of the assisted living program under any one or more of the following situations:	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall not	ODA or its designee <b>shall not</b> provide the individual an opportunity for a hearing in accordance with...if ODA or its designee disenrolls an individual for either of the following reasons:	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law

173-51-03	Shall not	ODA or its designee <b>shall not</b> subsequently re-enroll the individual back into the stat-funded component of the assisted living program.	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall not	After ODA (or its designee) disenrolls an individual from the state-funded component of the assisted living program, ODA or its designee <b>shall not</b> subsequently enroll the individual into the medicaid-funded component of the assisted living program until ODM's administrative agency determines the individual meets all medicaid financial eligibility requirements and ODA or its designee determines the individual meets all non-financial eligibility requirements in....	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall	After ODA or its designee disenrolls an individual from the state-funded component of the assisted living program, ODA or its designee <b>shall not</b> subsequently enroll the individual into the state-funded component of the PASSPORT program.	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall	ODA or its designee <b>shall</b> provide form...to an individual as a notice of a proposed adverse action against he individual, if ODA or its designee proposes any of the following:	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall	On form..., ODA (or its designee) <b>shall</b> provide notice of an individual's opportunity to appeal the proposed adverse action by requesting a hearing according to....	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall	If an individual wishes to appeal ODA's or its designee's proposed adverse action, the individual <b>shall</b> request a hearing.	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall	To request a hearing, the individual shall <b>sign</b> ...and mail the signed form to ODA, addressed as follows:	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Must	In order for ODA to accept the request for a hearing, ODA <b>must</b> receive the original signed form...in fewer than thirty days after the mailing date listed on the notice.	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-03	Shall	If ODA does not receive the original signed form in fewer than thirty days after the mailing date listed on the notice, ODA <b>shall</b> issue a final order of adjudication adopting the allegations contained in the original notice.	121.07, 173.01, 173.02, 173.543.	Yes, state law	Yes, state law
173-51-04	Shall	An RCF seeking to become an assisted living provider certified by ODA to provide goods and services according to ... <b>shall</b> apply to become so according to....	•121.07, 173.01, 173.02, 173.39, 173.391, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law
173-51-05	May not	An individual's service plan <b>may not</b> authorize more than the following two services:	•121.07, 173.01, 173.02, 173.39, 173.391, 173.543. •42 CFR 441.352	Yes, both state and federal law	Yes, both state and federal law

