



### COVID-19 STATE OF EMERGENCY INVENTORY OF EMERGENCY RULE FILINGS June 11, 2020

Today, Governor Mike DeWine issued Executive Order 2020-23D. The order authorizes ODA to immediately adopt an emergency rule, an emergency rescission of a rule, and emergency amendments to other rules.

The emergency rule, emergency rescission, and emergency amendments immediately take effect and will remain in effect for 120 days. They will expire on October 10, 2020. The effective period for any emergency amendment requiring CMS approval is the same. One emergency amendment in rule 173-39-04 of the Administrative Code contains a sunset provision that will require that emergency amendment to sunset (i.e., end) on July 8, 2020.

The tables below itemize the emergency rule, emergency rescission, and emergency amendments.

#### OLDER AMERICANS ACT SUPPORTIVE SERVICES

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-3-06 Older Americans Act: requirements to include in every AAA-provider agreement.	NA	Under (B)(7) <a href="#">(c) In the agreement, the AAA shall require the provider to sign up for email updates on ODA's rules on https://aging.ohio.gov/rules.</a>	New Temporary Requirement: Every AAA-provider agreement must require the provider to sign up for email updates on ODA's rules.
173-3-06.1 Older Americans Act: adult day service.	(A) "Adult day service" ("ADS") means a regularly-scheduled service delivered at an ADS center, which is a non-institutional, community-based setting. ADS includes recreational and educational programming to support a consumer's health and independence goals; at least one meal, but no more than two meals per day; and, sometimes, health status monitoring, skilled therapy services, and transportation to and from the ADS center.	(A) "Adult day service" ("ADS") means a regularly-scheduled service delivered at an ADS center, which is a non-institutional, community-based setting. ADS includes recreational and educational programming to support a consumer's health and independence goals; at least one meal, but no more than two meals per day; and, sometimes, health status monitoring, skilled therapy services, and transportation to and from the ADS center.  <a href="#">"Adult day service" also includes ADS components provided in the consumer's home, including activities provided by telephone or video conference.</a>	Temporary Flexibility in Venue: Amends the definition of "adult day service" to include ADS components provided in the consumer's home, including activities provided by telephone or video conference.

*Fostering sound public policy, research, and initiatives that benefit older Ohioans.*

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<p>173-3-06.1 Older Americans Act: adult day service.</p>	<p>Under (B)(4)            (b) The provider shall maintain a staff-to-consumer ratio of at least one staff member to every six consumers at all times.</p>	<p>Under (B)(4)            (b) The provider shall maintain a staff-to-consumer ratio of at least one staff member to every <del>six</del> <u>ten</u> consumers <del>at all times</del> <u>while providing on-site services</u>.</p>	<p><b>Temporary Staffing Standard for ADS Centers:</b>            Requires AAA-provider agreements to amend the staff-to-consumer ratio:</p> <ul style="list-style-type: none"> <li>• from at least 1 staff member to every 6 consumers <i>at all times</i>.</li> <li>• to at least 1 staff member to every 10 consumers <i>while providing on-site services</i>.</li> </ul>

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<p>173-3-06.1 Older Americans Act: adult day service.</p>	<p>Under (B)(6)</p> <p>(a) The provider shall verify that each episode of adult day service for which it bills was provided by one of the following two methods:</p> <p>(i) The provider may use an electronic system if the system does all of the following:</p> <p>(a) Collects the consumer's name, date of service, consumer's arrival and departure times, consumer's mode of transportation, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the consumer.</p> <p>(b) Retains the information it collects.</p> <p>(c) Produces reports, upon request, that the AAA can monitor for compliance.</p> <p>(ii) The provider may use a manual system if the provider documents the consumer's name, date of service, consumer's arrival and departure times, and consumer's mode of transportation, and collects the handwritten signature of the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.</p>	<p>Under (B)(6)</p> <p>(a) The provider shall verify that each episode of adult day service for which it bills was provided by <del>one of the following two methods:</del> <u>collecting the consumer's name, date of service, consumer's arrival and departure times, and consumer's mode of transportation (if provided in an ADS center). As an attestation that the consumer received the service, the provider may also collect a unique identifier of the consumer, including the consumer's handwritten or electronic signature, handwritten or electronic initials, fingerprint, stamp, mark, password, barcode, or swipe card.</u></p> <p><del>(i) The provider may use an electronic system if the system does all of the following:</del></p> <p><del>(a) Collects the consumer's name, date of service, consumer's arrival and departure times, consumer's mode of transportation, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the consumer.</del></p> <p><del>(b) Retains the information it collects.</del></p> <p><del>(c) Produces reports, upon request, that the AAA can monitor for compliance.</del></p> <p><del>(ii) The provider may use a manual system if the provider documents the consumer's name, date of service, consumer's arrival and departure times, and consumer's mode of transportation, and collects the handwritten signature of the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.</del></p>	<p><b>Temporary Flexibility in Service Verification:</b> Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received the service.</p>

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<p>173-3-06.2 Older Americans Act: home maintenance and chores.</p>	<p>Under (B)            (5) Job verification: The provider shall verify each job provided for which it bills the AAA using the provider's choice of either an electronic or manual system that collects all the following information:</p> <p>(a) Consumer's name.</p> <p>(b) Job date.</p> <p>(c) Job description.</p> <p>(d) Name of each employee providing the job.</p> <p>(e) Provider's signature.</p> <p>(f) An identifier unique to the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The 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.</p>	<p>Under (B)  <u>(5) Job verification:</u></p> <p><del>(5)(a) Job verification:</del> The provider shall verify each job provided for which it bills the AAA using the provider's choice of either an electronic or manual system that collects all the following information:</p> <p><del>(a)(i)</del> Consumer's name.</p> <p><del>(b)(ii)</del> Job date.</p> <p><del>(c)(iii)</del> Job description.</p> <p><del>(d)(iv)</del> Name of each employee providing the job.</p> <p><del>(e)(v)</del> Provider's signature.</p> <p><del>(f)(b)</del> <u>As an attestation that the consumer received the service, the provider may also collect An-an</u> identifier unique to the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The 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.</p>	<p><b>Temporary Flexibility in Service Verification:</b>            Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received the service.</p>

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<p>173-3-06.3 Older Americans Act: home modification.</p>	<p>Under (B)</p> <p>(9) Job verification: The provider shall verify each job provided for which it bills the AAA using the provider's choice of either an electronic or manual system that collects all the following information:</p> <p>(a) Consumer's name.</p> <p>(b) Date the job is completed.</p> <p>(c) Job description.</p> <p>(d) Name of each employee providing the job.</p> <p>(e) Provider's signature.</p> <p>(f) An identifier unique to the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The 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.</p>	<p>Under (B)</p> <p><u>(9) Job verification:</u></p> <p><del>(9)(a) Job verification:</del> The provider shall verify each job provided for which it bills the AAA using the provider's choice of either an electronic or manual system that collects all the following information:</p> <p><del>(a)(i)</del> Consumer's name.</p> <p><del>(b)(ii)</del> Date the job is completed.</p> <p><del>(c)(iii)</del> Job description.</p> <p><del>(d)(iv)</del> Name of each employee providing the job.</p> <p><del>(e)(v)</del> Provider's signature.</p> <p><u>(b) As an attestation that the consumer received the service, the provider may also collect <del>An</del> a identifier unique to the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The 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.</u></p>	<p><b>Temporary Flexibility in Service Verification:</b> Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received the service.</p>

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<p>173-3-06.4 Older Americans Act: homemaker.</p>	<p>Under (B)(4)            (b) Aide supervisor evaluations: The provider's aide supervisor shall do all of the following:</p> <p>(i) Initial evaluation: visit each consumer's home in-person to develop a written activity plan with each consumer before allowing an aide to visit the consumer or during the aide's initial visit to the consumer.</p> <p>(ii) Subsequent evaluations: conduct at least once every ninety-three days after an aide's initial visit to a consumer, an evaluation of compliance with the activity plan, the consumer's satisfaction, and the aide's performance, either by an in-person visit to the consumer or through a telecommunications medium with the consumer, so long as the aide supervisor never conducts consecutive evaluations through a telecommunications medium. The supervisor may conduct each evaluation with or without the presence of the aide being evaluated.</p>	<p>Under (B)(4)            (b) Aide supervisor <del>evaluations</del> <u>visits</u>: The provider's aide supervisor shall do all of the following:</p> <p>(i) Initial <del>evaluation: visit</del> <u>Visit</u> each consumer's home in-person to develop a written activity plan with each consumer before allowing an aide to visit the consumer or during the aide's initial visit to the consumer. <u>The aide supervisor may conduct the visit by telephone, video conference, or in person at the consumer's home.</u></p> <p>(ii) Subsequent <del>evaluations: conduct</del> <u>Conduct</u>, at least once every ninety-three days after an aide's initial visit to a consumer, an evaluation of compliance with the activity plan, the consumer's satisfaction, and the aide's performance. <u>The aide supervisor may conduct the visit either by an telephone, video conference, or in person visit to in person at the consumer or through a telecommunications medium with the consumer consumer's home, so long as the aide supervisor never conducts consecutive evaluations through a telecommunications medium.</u> The supervisor may conduct each <del>evaluation</del> <u>visit</u> with or without the presence of the aide being evaluated.</p>	<p>Temporary Flexibility in Venue for Supervisor Visits: Requires AAA-provider agreements to allow aide supervisors to conduct consumer visits by telephone, video conference, or in person at the consumer's home.</p>

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<p>173-3-06.4 Older Americans Act: homemaker.</p>	<p>Under (B)(4)(b)            (iii) Verification: retain a record of the initial evaluation and each subsequent evaluation that includes all the following:</p> <p>(a) Consumer's name.</p> <p>(b) Supervisor's name.</p> <p>(c) Evaluation date.</p> <p>(d) Whether the evaluation occurred in person or through a telecommunications medium.</p> <p>(e) An identifier unique to the the consumer or the consumer's caregiver (when an in-person evaluation). The unique identifier serves as an attestation that the aide supervisor developed an activity plan with the consumer or made a subsequent in-person evaluation. The unique identifier may include a handwritten or electronic signature or initials, a fingerprint, a mark, a stamp, a password, a bard code, or a swipe card.</p> <p>(f) Supervisor's signature.</p>	<p>Under (B)(4)(b)  <u>(iii) Verification:</u></p> <p><del>(iii)(a) Verification: retain</del> Retain a record of the initial <del>evaluation-visit</del> and each subsequent <del>evaluation-visit</del> that includes all the following:</p> <p><del>(a)(i)</del> Consumer's name.</p> <p><del>(b)(ii)</del> Supervisor's name.</p> <p><del>(c)(iii)</del> Evaluation <u>Visit</u> date.</p> <p><del>(d)(iv)</del> Whether the <del>evaluation visit</del> occurred <del>in person or through a telecommunications medium by telephone video conference, or in person at the consumer's home.</del></p> <p><u>(v) Supervisor's signature.</u></p> <p><del>(e)(b)</del> <u>As an attestation that the consumer received the service, the provider may also collect</u> <del>An an</del> identifier unique to the <del>the</del> consumer or the consumer's caregiver (when an in-person-<del>evaluation visit</del>). The unique identifier serves as an attestation that the aide supervisor developed an activity plan with the consumer or made a subsequent <del>in-person evaluation visit</del>. The unique identifier may include a handwritten or electronic signature or initials, a fingerprint, a mark, a stamp, a password, a <del>bard code</del> <u>barcode</u>, or a swipe card.</p> <p><del>(f) Supervisor's signature.</del></p>	<p>Temporary Flexibility in Verification of Supervisor Visits: Requires AAA-provider agreements to allows, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the aide supervisor visited the consumer by telephone, video conference, or in person at the consumer's home.</p>

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<p>173-3-06.4 Older Americans Act: homemaker.</p>	<p>Under (B)</p> <p>(6) Service verification: The provider shall verify each episode of service provided for which it bills the AAA by using the provider's choice of either an electronic or manual system that collects all the following information:</p> <ul style="list-style-type: none"> <li>(a) Consumer's name.</li> <li>(b) Service date.</li> <li>(c) Arrival time.</li> <li>(d) Departure time.</li> <li>(e) Service description.</li> <li>(f) Service units.</li> <li>(g) Name of each aide in contact with the consumer.</li> <li>(h) Signature of each aide in contact with the consumer.</li> <li>(i) An identifier unique to the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The 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.</li> </ul>	<p>Under (B)</p> <p><u>(6) Service verification:</u></p> <p><del>(6)(a) Service verification:</del> The provider shall verify each episode of service provided for which it bills the AAA by using the provider's choice of either an electronic or manual system that collects all the following information:</p> <ul style="list-style-type: none"> <li><del>(a)(i)</del> <u>(i)</u> Consumer's name.</li> <li><del>(b)(ii)</del> <u>(ii)</u> Service date.</li> <li><del>(c)(iii)</del> <u>(iii)</u> Arrival time.</li> <li><del>(d)(iv)</del> <u>(iv)</u> Departure time.</li> <li><del>(e)(v)</del> <u>(v)</u> Service description.</li> <li><del>(f)(vi)</del> <u>(vi)</u> Service units.</li> <li><del>(g)(vii)</del> <u>(vii)</u> Name of each aide in contact with the consumer.</li> <li><del>(h)(viii)</del> <u>(viii)</u> Signature of each aide in contact with the consumer.</li> </ul> <p><u>(b) As an attestation that the consumer received the service, the provider may also collect. An</u>—an identifier unique to the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The 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.</p>	<p>Temporary Flexibility in Service Verification: Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received the service.</p>

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<p>173-3-06.5 Older Americans Act: personal care.</p>	<p>Under (B)(4)(b)</p> <p>(i) Before allowing a PCA to begin providing personal care to a consumer, the PCA supervisor shall visit the consumer's home to define the expected activities of the PCA and prepare a written activities plan for consumer. The visit may occur at the PCA's initial visit to the consumer.</p> <p>(ii) After the PCA's initial visit to the consumer, the PCA supervisor shall evaluate compliance with the activities plan, the consumer's satisfaction, and the PCA's performance by conducting a visit to the consumer at least once every sixty days and retaining a record of this evaluation. The PCA supervisor may do this without the presence of the PCA being evaluated. In the record, the PCA supervisor shall include the date of the visit, the PCA supervisor's name and signature, and the consumer's name and signature.</p>	<p>Under (B)(4)(b)</p> <p>(i) <u>Initial</u>: Before allowing a PCA to begin providing personal care to a consumer, the PCA supervisor shall visit the consumer's home to define the expected activities of the PCA and prepare a written activities plan for consumer. The visit may occur at the PCA's initial visit to the consumer. <u>The PCA supervisor may conduct the visit by telephone, video conference, or in person in the consumer's home. In the consumer's record, the PCA supervisor shall include the date of the evaluation, the PCA supervisor's name and signature, and the consumer's name. As an attestation that the consumer participated in the evaluation, the PCA supervisor may also collect a unique identifier of the consumer, including the consumer's handwritten or electronic signature, handwritten or electronic initials, fingerprint, stamp, mark, password, barcode, or swipe card.</u></p> <p>(ii) <u>Subsequent</u>: After the PCA's initial visit to the consumer, the PCA supervisor shall evaluate compliance with the activities plan, the consumer's satisfaction, and the PCA's performance by conducting a visit to the consumer at least once every sixty days and retaining a record of this evaluation. The PCA supervisor may do this without the presence of the PCA being evaluated. <u>The PCA supervisor may conduct the evaluation by telephone or video conference, unless an emergency requires an in-person visit to the consumer's home. In the record, the PCA supervisor shall include the date of the visit, the PCA supervisor's name and signature, and the consumer's name—and signature. As an attestation that the consumer participated in the evaluation, the PCA supervisor may also collect a unique identifier of the consumer, including the consumer's handwritten or electronic signature, handwritten or electronic initials, fingerprint, stamp, mark, password, barcode, or swipe card.</u></p>	<p>PCA Supervisor Visits:</p> <ul style="list-style-type: none"> <li>• <b>Temporary Flexibility in Venue:</b> Allows PCA supervisors to conduct consumer visits by telephone, video conference, or in person at the consumer's home unless an emergency requires an in-person visit to the consumer's home.</li> <li>• <b>Temporary Flexibility in Verification:</b> Allows, rather than requires, the provider to collect a unique identifier of the consumer as an attestation that the PCA supervisor visited the consumer by telephone, video conference, or in person at the consumer's home.</li> </ul>

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<p>173-3-06.5 Older Americans Act: personal care.</p>	<p>Under (B)(6)</p> <p>(b) The provider shall verify each episode of service provided for which it bills the AAA using the provider's choice of either an electronic or manual system that collects all the following information:</p> <p>(i) Consumer's name.</p> <p>(ii) Service date.</p> <p>(iii) Arrival time.</p> <p>(iv) Departure time.</p> <p>(v) Service description.</p> <p>(vi) Service units.</p> <p>(vii) Name of each PCA in contact with the consumer.</p> <p>(viii) Signature of each PCA in contact with the consumer.</p> <p>(ix) An identifier unique to the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The 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.</p>	<p>Under (B)(6)</p> <p>(b) The provider shall verify each episode of service provided for which it bills the AAA using the provider's choice of either an electronic or manual system that collects all the following information:</p> <p>(i) Consumer's name.</p> <p>(ii) Service date.</p> <p>(iii) Arrival time.</p> <p>(iv) Departure time.</p> <p>(v) Service description.</p> <p>(vi) Service units.</p> <p>(vii) Name of each PCA in contact with the consumer.</p> <p>(viii) Signature of each PCA in contact with the consumer.</p> <p><del>(ix)(c) As an attestation that the consumer received the service, the provider may also collect</del> <u>As an attestation that the consumer received the service, the provider may also collect</u> <del>an</del> identifier unique to the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The 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.</p>	<p><b>Temporary Flexibility in Service Verification:</b> Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received the service.</p>
<p>173-3-06.6 Older Americans Act: transportation.</p>	<p>Under (B)(4)</p> <p>(a) For each trip provided, the driver shall 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.</p>	<p>Under (B)(4)</p> <p>(a) For each trip provided, the driver shall 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 <u>driver's signature.</u> <del>a unique identifier of the consumer which by offering, the consumer attests to the completion of the trip. The consumer's</del> <u>As an attestation that the consumer received the trip, the provider may also collect a</u> unique identifier <del>may include a of the consumer, including the consumer's</del> <u>handwritten or electronic signature</u> <del>or, handwritten or electronic initials, a fingerprint, a mark, a stamp, a password, a bar code</del> <u>barcode,</u> or <del>a</del> <u>swipe card.</u></p>	<p><b>Service Verification:</b></p> <ul style="list-style-type: none"> <li>• <b>New Temporary Requirement:</b> Requires collecting the driver's signature to verify a trip was provided.</li> <li>• <b>Temporary Flexibility:</b> Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received the service.</li> </ul>

## OLDER AMERICANS ACT NUTRITION PROGRAM

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-3-06 Older Americans Act: requirements to include in every AAA-provider agreement.	See listing in table under OLDER AMERICANS ACT SUPPORTIVE SERVICES.		
173-4-03 Older Americans Act nutrition program: consumer enrollment.	<p>Under (B)</p> <p>(1) Initial verification: Before enrolling a consumer into a home-delivered meals project, the provider shall verify, that his or her home-delivered meals are eligible for payment, in whole or in part, with Older Americans Act funds according to rule 173-4-02 of the Administrative Code.</p> <p>(2) Annual verification: The provider shall not 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 rule 173-4-02 of the Administrative Code.</p>	<p>Under (B)</p> <p>(1) Initial verification: Before enrolling a consumer into a home-delivered meals project, the provider shall verify, <a href="#">by telephone, video conference, or in person</a>, that his or her home-delivered meals are eligible for payment, in whole or in part, with Older Americans Act funds according to rule 173-4-02 of the Administrative Code.</p> <p>(2) Annual verification: The provider shall not keep a consumer enrolled in a home-delivered meals project for more than one year unless, at least once annually, the provider verifies, <a href="#">by telephone, video conference, or in person</a>, the consumer's home-delivered meals continue to be eligible for payment, in whole or in part, with Older Americans Act funds according to rule 173-4-02 of the Administrative Code.</p>	<p><b>Flexibility in Means for Eligibility Verification:</b> Requires AAA-provider agreements to allow providers to verify consumer eligibility by telephone, video conference, or in person.</p>
173-4-04 Older Americans Act nutrition program: procuring for person direction.	<p>(B) Each AAA shall procure for person direction by one of the following two methods:</p> <p>(1) Competitive-proposal method:</p> <p style="padding-left: 40px;">...</p> <p>(2) Method other than competitive-proposal method:</p> <p style="padding-left: 40px;">...</p>	<p>(B) Each AAA shall, <a href="#">to the extent practicable during the COVID-19 state of emergency</a>, procure for person direction by one of the following two methods:</p> <p>(1) Competitive-proposal method:</p> <p style="padding-left: 40px;">...</p> <p>(2) Method other than competitive-proposal method:</p> <p style="padding-left: 40px;">...</p> <p><a href="#">(C) During the COVID-19 state of emergency, ODA temporarily suspends the requirement in paragraph (B) of this rule for each AAA to procure for person direction with regard to dining formats, location, and delivery methods, times, and frequencies.</a></p>	<p><b>Consideration for Practicality of Person Direction During COVID-19 State of Emergency:</b></p> <ul style="list-style-type: none"> <li>• Limits the requirement for AAAs to procure for person direction to the extent practicable during the COVID-19 state of emergency.</li> <li>• Suspends the requirement for AAAs to procure for person direction with regard to dining formats, location, and delivery methods, times, and frequencies during the COVID-19 state of emergency.</li> </ul>
173-4-05 Older Americans Act nutrition program: nutrition projects.	<p>Under (A)(4)</p> <p>(a) The provider shall offer nutrition health screening to consumers at least annually.</p>	<p>Under (A)(4)</p> <p>(a) The provider shall offer nutrition health screening to consumers at least annually <a href="#">and may do so by telephone, video conference, or in person</a>.</p>	<p><b>Flexibility in Means for Health Screening:</b> Requires AAA-provider agreements to permit providers to offer nutrition health screening to consumers by telephone, video conference, or in person.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-4-05 Older Americans Act nutrition program: nutrition projects.	Under (A) (5) Eligibility verification: The provider shall determine the eligibility of each consumer before paying for their meals, in whole or in part, with Older Americans Act funds.	Under (A) (5) Eligibility verification: <u>By telephone, video conference, or in person.</u> <del>The</del> the provider shall determine the eligibility of each consumer before paying for their meals, in whole or in part, with Older Americans Act funds.	<b>Flexibility in Means for Eligibility Verification:</b> Requires AAA-provider agreements to permit providers to verify consumers' eligibility by telephone, video conference, or in person.
173-4-05 Older Americans Act nutrition program: nutrition projects.	Under (A)(7) (a) In the AAA-provider agreement, the AAA shall require the provider to implement the person direction the provider pledged to provide when the provider bid for the AAA-provider agreement.	Under (A)(7) (a) In the AAA-provider agreement, the AAA shall, <u>to the extent practicable during the COVID-19 state of emergency,</u> require the provider to implement the person direction the provider pledged to provide when the provider bid for the AAA-provider agreement.	<b>Consideration for Practicality of Person Direction During COVID-19 State of Emergency:</b> Limits the requirement for AAA-provider agreements to require person direction to the extent practicable during the COVID-19 state of emergency.
173-4-05 Older Americans Act nutrition program: nutrition projects.	Under (A)(13) (a) The provider shall develop a training plan that includes orientation and annual continuing education.  (i) Orientation: The provider shall 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.  (ii) Continuing education: The provider shall assure that each employee, including a volunteer, who participates in meal preparation, handling, or delivery completes continuing education each year on topics relevant to the employee's job duties.  (b) The provider shall make, and retain, a written record of each employee's completion of orientation and continuing education. The record shall include the topics covered during the orientation and continuing education.	Under (A)(13) (a) The provider <del>shall</del> <u>may</u> develop a training plan that includes orientation and annual continuing education.  (i) Orientation: The provider <del>shall assure that may require</del> 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.  (ii) Continuing education: The provider <del>shall assure that may require</del> each employee, including a volunteer, who participates in meal preparation, handling, or delivery completes continuing education each year on topics relevant to the employee's job duties.  (b) <u>Any time the provider requires orientation or continuing education,</u> <del>The</del> the provider shall make, and retain, a written record of each employee's completion of the orientation and continuing education. The record shall include the topics covered during the orientation and continuing education.	<b>Flexibility in Employee Training:</b> <ul style="list-style-type: none"> <li>• Requires AAA-provider agreements to allow, rather than require, providers to do the following: <ul style="list-style-type: none"> <li>○ Develop training plans.</li> <li>○ Require employees and volunteers to complete orientation.</li> <li>○ Require employees and volunteers to complete continuing education.</li> </ul> </li> <li>• Requires AAA-provider agreements to only require verification of each employee's completion of orientation and continuing education of the provider requires orientation or continuing education.</li> </ul>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-4-05.1 Older Americans Act nutrition program: congregate dining projects.</p>	<p>(B) Availability:</p> <p>(1) The provider shall 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.</p> <p>(2) In the AAA-provider agreement, the AAA shall not prohibit 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.</p>	<p>(B) Availability: <u>In the AAA-provider agreement, the AAA shall not prohibit 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.</u></p> <p><del>(1) The provider shall 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.</del></p> <p><del>(2) In the AAA-provider agreement, the AAA shall not prohibit 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.</del></p>	<p><b>Availability:</b> Temporarily suspends the requirement for AAA-provider agreements to require providers to keep at least one congregate dining location in its congregate during project open for business to provide meals for at least one mealtime per day to consumers on five or more days per week.</p>
<p>173-4-05.1 Older Americans Act nutrition program: congregate dining projects.</p>	<p>(C) Carry-out meals: Older Americans Act Title III-C1 funds shall not 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.</p> <p>(D) Emergency closings:</p> <p>(1) The provider shall 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. Providers shall notify consumers by using broadcast media, by using its website, by telephone, or by any combination of the three.</p>	<p>(C) Carry-out meals: Older Americans Act Title III-C1 funds shall not 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 <u>or the COVID-19 state of emergency.</u></p> <p>(D) Emergency closings:</p> <p>(1) The provider shall give those consumers enrolled in its congregate dining project, <u>to the extent practicable,</u> 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, <u>the COVID-19 state of emergency,</u> etc. Providers shall notify consumers by using broadcast media, by using its website, by telephone, or by any combination of the three.</p>	<p><b>Consideration of Practicality of Congregate Dining During COVID-19 State of Emergency:</b></p> <ul style="list-style-type: none"> <li><b>Carry-Out Meals:</b> Requires AAA-provider agreements to allow providers to be paid with Older Americans Act Title III-C1 funds for occasional carry-out meals provided at congregate dining locations to prepare for an anticipated closure of the dining location due to the COVID-19 state of emergency.</li> <li><b>Notification of Emergency Closings:</b> Requires AAA-provider agreements to limit the requirement to give consumers reasonable notice before the closure of a dining location to that which is practicable during the COVID-19 state of emergency.</li> </ul>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-4-05.1 Older Americans Act nutrition program: congregate dining projects.	<p>Under (F)</p> <p>(1) By one of the following two methods, the provider shall verify that each meal for which it bills was provided:</p> <p>(a) The provider may use an electronic system if the system does all of the following:</p> <p>(i) Collects the consumer's name, date, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the consumer.</p> <p>(ii) Retains the information it collects.</p> <p>(iii) Produces reports, upon request, that the AAA can monitor for compliance.</p> <p>(b) The provider may use a manual system if the provider documents the consumer's name, date, and handwritten signature of the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.</p>	<p>Under (F)</p> <p>(1) <del>By one of the following two methods, the</del>The provider shall verify that each meal for which it bills was provided: <u>by collecting the consumer's name and date of the meal. As an attestation that the consumer received the meal, the provider may also collect a unique identifier of the consumer, including the consumer's handwritten or electronic signature, handwritten or electronic initials, fingerprint, stamp, mark, password, barcode, or swipe card.</u></p> <p><del>(a) The provider may use an electronic system if the system does all of the following:</del></p> <p><del>(i) Collects the consumer's name, date, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the consumer.</del></p> <p><del>(ii) Retains the information it collects.</del></p> <p><del>(iii) Produces reports, upon request, that the AAA can monitor for compliance.</del></p> <p><del>(b) The provider may use a manual system if the provider documents the consumer's name, date, and handwritten signature of the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.</del></p>	<p><b>Temporary Flexibility in Meal Verification:</b> Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received a meal.</p>
173-4-05.2 Older Americans Act nutrition program: home-delivered meals projects.	NA	<p>Under (B)(1)</p> <p><u>(c) COVID-19 state of emergency: During the COVID-19 state of emergency, the AAA shall not prohibit the provider from, in one delivery, delivering meals to cover multiple mealtimes for consumers who received meals before the COVID-19 state of emergency by per-meal delivery or periodic delivery.</u></p>	<p><b>Temporary New Prohibition on Limiting Meal Volume:</b> Prohibits AAA-provider agreements from limiting the number of meals in one delivery.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-4-05.2 Older Americans Act nutrition program: home-delivered meals projects.	<p>(C) Emergency closings: The provider shall develop and implement written contingency procedures for emergency closings due to short-term weather-related emergencies, loss of power, kitchen malfunctions, natural disasters, etc. In the procedures, the provider shall include the following:</p> <p>(1) Providing timely notification of emergency situations to consumers; and,</p> <p>(2) Either the distribution of:</p> <p style="padding-left: 40px;">(a) Information to consumers on how to stock an emergency food shelf; or,</p> <p style="padding-left: 40px;">(b) Shelf-stable meals to consumers for an emergency food shelf.</p>	<p>(C) Emergency closings: The provider shall develop and implement written contingency procedures for emergency closings due to short-term weather-related emergencies, loss of power, kitchen malfunctions, natural disasters, <a href="#">the COVID-19 state of emergency</a>, etc. In the procedures, the provider shall include the following:</p> <p>(1) Providing timely notification of emergency situations to consumers; and,</p> <p>(2) Either the distribution of:</p> <p style="padding-left: 40px;">(a) Information to consumers on how to stock an emergency food shelf; or,</p> <p style="padding-left: 40px;">(b) Shelf-stable meals to consumers for an emergency food shelf.</p>	<p><b>Temporary New Requirement on Emergency Closings:</b> Requires AAA-provider agreements to require providers to give consumers reasonable notice, and to develop written contingency procedures for, emergency closings due to the COVID-19 state of emergency.</p>
173-4-05.2 Older Americans Act nutrition program: home-delivered meals projects.	<p>Under (E)</p> <p>(1) The provider shall verify each meal delivery for which it bills the AAA using either an electronic or manual system. Regardless of the system used, the provider shall collect all the following information:</p> <p>(a) Consumer's name.</p> <p>(b) Delivery date.</p> <p>(c) Number of meals delivered.</p> <p>(d) An identifier unique to the consumer, the consumer's caregiver, or the delivery person.</p> <p>(2) The identifier in paragraph (E)(1)(d) of this rule may be a handwritten or electronic signature, or initials, a fingerprint, a mark, a stamp, a password, a bar code, or a swipe card.</p> <p>(3) The identifier in paragraph (E)(1)(d) of this rule shall serve as an attestation that delivery was made as indicated by the system.</p>	<p>Under (E)</p> <p>(1) The provider shall verify each meal delivery for which it bills the AAA using either an electronic or manual system. Regardless of the system used, the provider shall collect all the following information:</p> <p>(a) Consumer's name.</p> <p>(b) Delivery date.</p> <p>(c) Number of meals delivered.</p> <p><del>(d) An identifier unique to the consumer, the consumer's caregiver, or the delivery person.</del></p> <p><a href="#">(2) The provider may also verify the service by collecting a unique identifier of the consumer.</a></p> <p><del>(2)(3) The identifier in paragraph (E)(1)(d) (E)(2) of this rule may be a handwritten or electronic signature, or handwritten or electronic initials, a fingerprint, a mark, a stamp, a password, a bar code barcode, or a swipe card.</del></p> <p><del>(3)(4) The identifier in paragraph (E)(1)(d) (E)(2) of this rule shall may serve as an attestation that delivery was made as indicated by the system.</del></p>	<p><b>Temporary Flexibility in Meal Verification:</b> Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received a meal.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-4-05.3 Older Americans Act nutrition program: congregate dining projects in restaurants and grocery stores.</p>	<p>Under (F)            (1) The provider shall verify that each meal for which it bills was delivered by one of the following two methods:</p> <p>(a) The provider may use an electronic system if the system does all of the following:</p> <p>(i) Collects the consumer's name, date, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code on voucher, barcode on identification card) unique to the consumer.</p> <p>(ii) Retains the information it collects.</p> <p>(iii) Produces reports, upon request, that the AAA can monitor for compliance.</p> <p>(b) The provider may use a manual system if the provider documents the consumer's name and date, and collects the handwritten signature of the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.</p>	<p>Under (F)            (1) The provider shall verify that each meal for which it bills was <del>delivered by one of the following two methods:</del> <u>provided by collecting the consumer's name and date of the meal. As an attestation that the consumer received the meal, the provider may also collect a unique identifier of the consumer, including the consumer's handwritten or electronic signature, handwritten or electronic initials, fingerprint, stamp, mark, password, barcode, or swipe card.</u></p> <p><del>(a) The provider may use an electronic system if the system does all of the following:</del></p> <p><del>(i) Collects the consumer's name, date, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code on voucher, barcode on identification card) unique to the consumer.</del></p> <p><del>(ii) Retains the information it collects.</del></p> <p><del>(iii) Produces reports, upon request, that the AAA can monitor for compliance.</del></p> <p><del>(b) The provider may use a manual system if the provider documents the consumer's name and date, and collects the handwritten signature of the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.</del></p>	<p><b>Temporary Flexibility in Meal Verification:</b>            Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received a meal.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-4-07 Older Americans Act nutrition program: nutrition counseling.</p>	<p>Under (B)(4)            (a) The provider shall conduct the initial counseling session as a face-to-face session.            (b) The provider shall conduct subsequent sessions on a face-to-face basis or by a telecommunication system. As used in this paragraph, "telecommunication" has the same meaning as in 2913.01 of the Revised Code.</p>	<p>Under (B)(4)            (a) The provider shall conduct the initial counseling session <del>as a face-to-face session</del> <u>or by a telecommunication system.</u>            (b) The provider shall conduct subsequent sessions <del>on a face-to-face basis</del> or by a telecommunication system. <del>As used in this paragraph, "telecommunication" has the same meaning as in 2913.01 of the Revised Code.</del>  <u>(c) As used in this paragraph (B)(4) of this rule, "telecommunication" has the same meaning as in 2913.01 of the Revised Code.</u></p>	<p><b>Temporary Flexibility in Venue:</b> Requires AAA-provider agreements to allow providers to provide counseling face-to-face or by a telecommunication system.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-4-07 Older Americans Act nutrition program: nutrition counseling.</p>	<p>Under (B)            (7) Service verification: By one of the following two methods, the provider shall verify that each consultation for which it bills was provided:</p> <p>(a) The provider may use an electronic system if the system does all of the following:</p> <p>(i) Collects the consumer's name, date of consultation, time of day each consultation begins and ends, name of licensed dietitian providing consultation, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the consumer.</p> <p>(ii) Retains the information it collects.</p> <p>(iii) Produces reports, upon request, that the AAA can monitor for compliance.</p> <p>(b) The provider may use a manual system if the provider documents the date of service, time of day that each consultation begins and ends, name of the licensed dietitian providing the consultation, and collects the handwritten signatures of the licensed dietitian providing the consultation and the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.</p>	<p>Under (B)            (7) Service verification: <del>By one of the following two methods, the provider shall verify that each consultation for which it bills was provided: The provider shall verify that each counseling session for which it bills was provided by collecting the consumer's name, date of the session, time of day that the session begins and ends, and name and signature of the licensed dietitian providing the session. As an attestation that the consumer received each session, the provider may also collect a unique identifier of the consumer, including the consumer's handwritten or electronic signature, handwritten or electronic initials, fingerprint, stamp, mark, password, barcode, or swipe card.</del></p> <p><del>(a) The provider may use an electronic system if the system does all of the following:</del></p> <p><del>(i) Collects the consumer's name, date of consultation, time of day each consultation begins and ends, name of licensed dietitian providing consultation, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the consumer.</del></p> <p><del>(ii) Retains the information it collects.</del></p> <p><del>(iii) Produces reports, upon request, that the AAA can monitor for compliance.</del></p> <p><del>(b) The provider may use a manual system if the provider documents the date of service, time of day that each consultation begins and ends, name of the licensed dietitian providing the consultation, and collects the handwritten signatures of the licensed dietitian providing the consultation and the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.</del></p>	<p>Temporary Flexibility in Service Verification: Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received a counseling session.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-4-09 Older Americans Act nutrition program: nutrition health screening.	<p>Under (B)</p> <p>(2) Stand-alone or part: The provider may screen consumers as a stand-alone service or as part of a nutrition project or nutrition counseling.</p> <p>(3) Checklist: The provider shall use form ODA0010 to screen consumers for nutritional risks.</p>	<p>Under (B)</p> <p>(2) Stand-alone or part: The provider may screen consumers <u>by telephone, video conference, or in person</u> as a stand-alone service or as part of a nutrition project or nutrition counseling.</p> <p>(3) Checklist: The provider shall use form ODA0010 to screen consumers for nutritional risks <u>by telephone, video conference, or in person</u>.</p>	<p><b>Temporary Flexibility in Means for Screening:</b> Requires AAA-provider agreements to allow providers to screen consumers by telephone, video conference, or in person.</p>
173-4-10 Older Americans Act nutrition program: grocery shopping assistance.	<p>Under (B)(5)</p> <p>(a) For each episode of assistance, the provider shall 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; and consumer's signature.</p>	<p>Under (B)(5)</p> <p>(a) For each episode of assistance, the provider shall retain a record of the consumer's name; service date; pick-up time and location; drop-off time and location; service units; <u>and</u> provider's signature; <del>and consumer's signature.</del> <u>As an attestation that the consumer received the service, the provider may also collect a unique identifier of the consumer, including the consumer's handwritten or electronic signature, handwritten or electronic initials, fingerprint, stamp, mark, password, barcode, or swipe card.</u></p>	<p><b>Temporary Flexibility in Service Verification:</b> Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received the service.</p>
173-4-11 Older Americans Act nutrition program: grocery ordering and delivery.	<p>Under (B)(4)</p> <p>(a) For each episode of service, the provider to retain a record of the consumer's name; service date; provider's signature; and consumer's signature.</p>	<p>Under (B)(4)</p> <p>(a) For each episode of service, the provider to retain a record of the consumer's name; service date; <u>and</u> provider's signature; <del>and consumer's signature.</del> <u>As an attestation that the consumer received the service, the provider may also collect a unique identifier of the consumer, including the consumer's handwritten or electronic signature, handwritten or electronic initials, fingerprint, stamp, mark, password, barcode, or swipe card.</u></p>	<p><b>Temporary Flexibility in Service Verification:</b> Requires AAA-provider agreements to allow, rather than to require, the provider to collect a unique identifier of the consumer as an attestation that the consumer received the service.</p>

### OMBUDSMAN

RULE	PERMANENT REQUIREMENT	CHANGE to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGE DURING THE EFFECTIVE PERIOD
173-14-30 Alternative to visits during the COVID-19 state of emergency.	NA	<p><u>In lieu of visits to long-term care facilities during the COVID-19 state of emergency, pursuant to 45 C.F.R. 1324.11(e)(2)(iii), long-term care facilities shall provide ombudsman representatives with the names and contact information of residents and their representatives if requested.</u></p>	<p><b>New Temporary Requirement:</b> Requires long-term care facilities to provide ombudsman representatives with the names and contact information of residents and their representatives if requested.</p>

## PROVIDER CERTIFICATION

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-39-02 ODA provider certification: requirements to become, and to remain, certified.</p>	<p>Under (B)                      (2) Service-related: For any service ODA certified the provider to provide, the provider shall comply with any rule in this chapter regulating the provision of that service.</p>	<p>Under (B)                      (2) Service-related: For any service ODA certified the provider to provide, the provider shall comply with any rule in this chapter regulating the provision of that service. <u>If the provider's only means to comply with service-verification requirements in those rules is to collect the individual's handwritten or electronic signature (or handwritten or electronic initials), the provider may collect the individual's handwritten or electronic signature (or handwritten or electronic initials) on a date later than the date of service. If the service requires nurse supervision, the provider shall do so no later than the next visit or assessment by the nurse supervisor. If there is any conflict between this paragraph and a rule in this chapter, the provider shall comply with this paragraph.</u></p>	<p>Temporary Flexibility in Service-Related Requirements:</p> <ul style="list-style-type: none"> <li>• <b>Nurse Supervision:</b> If the service requires nurse supervision, the provider may provide nurse supervision no later than the next visit or assessment by the nurse supervisor.</li> <li>• <b>Service Verification:</b> If the provider's only means to comply with service-verification requirements is to collect the individual's handwritten or electronic signature (or handwritten or electronic initials), the provider may collect the individual's handwritten or electronic signature (or handwritten or electronic initials) on a date later than the date of service.</li> </ul>
<p>173-39-02 ODA provider certification: requirements to become, and to remain, certified.</p>	<p>Under (B)                      (5) Legally-responsible family members: The provider shall not 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.</p>	<p>Under (B)                      (5) Legally-responsible family members: The provider shall not 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. <u>except legal guardians who are attorneys or agencies. The period in which a provider is qualified to provide a service to an individual according to this paragraph ends when the effective period of this rule ends, or when the provider's medicaid provider agreement is terminated, whichever occurs first.</u></p>	<p>Temporary Flexibility Regarding Legal Guardians: Allows legal guardians who are attorneys or agencies to provide a service to an individual.</p>
<p>173-39-02 ODA provider certification: requirements to become, and to remain, certified.</p>	<p style="text-align: center;">NA</p>	<p>Under (B)                      (13) Rules updates: <u>The provider shall subscribe to receive email updates on ODA's rules on <a href="https://aging.ohio.gov/rules">https://aging.ohio.gov/rules</a>.</u></p>	<p>Temporary New Requirement: Requires every provider to sign up for email updates on ODA's rules.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-39-02.1 ODA provider certification: adult day service.	(A) "Adult day service" ("ADS") means a regularly-scheduled service delivered at an ADS center, which is a non-institutional, community-based setting. ADS includes recreational and educational programming to support an individual's health and independence goals; at least one meal, but no more than two meals per day; and, sometimes, health status monitoring, skilled therapy services, and transportation to and from the ADS center.	(A) "Adult day service" ("ADS") means a regularly-scheduled service delivered at an ADS center, which is a non-institutional, community-based setting. ADS includes recreational and educational programming to support an individual's health and independence goals; at least one meal, but no more than two meals per day; and, sometimes, health status monitoring, skilled therapy services, and transportation to and from the ADS center.  <u>Beginning on the effective date of this rule, or the date ODA receives CMS approval, whichever occurs later, "adult day service" also includes ADS components provided in the individual's home, including activities provided by telephone or video conference.</u>	Temporary Flexibility in Venue: Amends the definition of "adult day service" to include ADS components provided in the individual's home, including activities provided by telephone or video conference.
173-39-02.1 ODA provider certification: adult day service.	Under (B)(4) (b) The provider shall maintain a staff-to-individual ratio of at least one staff member to six individuals at all times.  (c) The provider shall 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.	Under (B)(4) (b) The provider shall maintain a staff-to-individual ratio of at least one staff member to <del>six</del> <u>ten</u> individuals <del>at all times</del> <u>while providing on-site services</u> .  (c) The provider shall have a RN, or LPN under the direction of a RN, <del>on site at the ADS center</del> <u>available</u> to provide nursing services that require the skills of a RN, or LPN under the direction of a RN, and that are <u>based on the needs of the individual and</u> within the nurse's scope of practice.	Temporary Staffing Standards for ADS Centers: <ul style="list-style-type: none"> <li>• <b>Staff-to-Individual Ratio:</b> Amends the staff-to-consumer ratio: <ul style="list-style-type: none"> <li>○ from at least 1 staff member to every 6 consumers <i>at all times</i>.</li> <li>○ to at least 1 staff member to every 10 consumers <i>while providing on-site services</i>.</li> </ul> </li> <li>• <b>Nurse Staffing:</b> <ul style="list-style-type: none"> <li>○ Requires providers to have a nurse <i>available</i>, rather than <i>on site at the ADS center</i>.</li> <li>○ Clarifies that the nursing services are based on the needs of the individual.</li> </ul> </li> </ul>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-39-02.1 ODA provider certification: adult day service.</p>	<p>Under (B)(6)</p> <p>(a) The provider may use an electronic system to verify each ADS session if the system does all of the following:</p> <ul style="list-style-type: none"> <li>(i) Collects the individual's name, date of service, arrival and departure times, mode of transportation <a href="#">(if provided in an ADS center)</a>, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the individual.</li> <li>(ii) Retains the information it collects.</li> <li>(iii) Produces reports, upon request, that ODA or its designee can monitor for compliance.</li> </ul> <p>(b) The provider may use a manual system, including a daily-attendance roster, to verify ADS session if the provider documents the individual's name, date of service, arrival and departure times, and mode of transportation; and collects the handwritten signatures of an ADS staff person and the individual. If the individual is unable to produce a handwritten signature, the individual's handwritten initials, stamp, or mark are acceptable if the case manager recorded the alternative in the individual's service plan.</p>	<p>Under (B)(6)</p> <p>(a) The provider may use an electronic system to verify each ADS session if the system does all of the following:</p> <ul style="list-style-type: none"> <li>(i) Collects the individual's name, date of service, arrival and departure times, mode of transportation <a href="#">(if provided in an ADS center)</a>, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the individual.</li> <li>(ii) Retains the information it collects.</li> <li>(iii) Produces reports, upon request, that ODA or its designee can monitor for compliance.</li> </ul> <p>(b) The provider may use a manual system, including a daily-attendance roster, to verify ADS session if the provider documents the individual's name, date of service, arrival and departure times, and mode of transportation <a href="#">(if provided in an ADS center)</a>; and collects the handwritten signatures of an ADS staff person and the individual. If the individual is unable to produce a handwritten signature, the individual's handwritten initials, stamp, or mark are acceptable if the case manager recorded the alternative in the individual's service plan.</p>	<p><b>Temporary Flexibility in Service Verification:</b> Requires providers to allow, rather than to require, the provider to collect a unique identifier of the individual as an attestation that the individual received the service.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-39-02.7 ODA provider certification: home medical equipment and supplies.</p>	<p>Under (B)(5)            (b) Delivery verification methods: Delivery of HME shall be verified by one of the following methods:</p> <p>(i) The individual's signature.</p> <p>(ii) If a provider uses a common carrier to deliver HME, the provider shall verify the success of the delivery by using the method in paragraph (B)(5)(b)(i) of this rule or by retaining the common carrier's tracking statement or returned postage-paid delivery invoice. A provider using common carriers shall 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.</p>	<p>Under (B)(5)            (b) Delivery verification methods: Delivery of HME shall be verified by one of the following methods:</p> <p>(i) The individual's signature.</p> <p>(ii) If a provider uses a common carrier to deliver HME, the provider shall verify the success of the delivery by using the method in paragraph (B)(5)(b)(i) of this rule or by retaining the common carrier's tracking statement or returned postage-paid delivery invoice. <del>A provider using common carriers shall 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.</del></p> <p><u>(c) The provider shall contact the individual by telephone at least once per month to alert them to any delivery left outside the door to their home.</u></p> <p><u>(d) The provider shall replace (at no cost to the individual, ODA, or ODA's designee) any HME item lost or stolen between the time of delivery and receipt by the individual.</u></p>	<p>Temporary New Delivery-Verification Requirements:</p> <ul style="list-style-type: none"> <li>All providers shall contact individuals by telephone at least once per month to alert them to any deliveries left outside the doors to their homes.</li> <li>All providers, not just those using common carriers, shall replace any home medical equipment or supplies that are lost or stolen between the time of delivery and receipt by the individual.</li> </ul>
<p>173-39-02.8 ODA provider certification: homemaker.</p>	<p>NA</p>	<p>Under (A)  <u>(5) Errands outside of the presence of the individual that is needed by the individual to maintain the individual's health and safety (e.g., picking up a prescription or groceries for the individual).</u></p>	<p>Temporary Amendment to Definition: Amend the definition of "homemaker" to include errands provided outside of the presence of the individuals that are needed by the individuals to maintain their health and safety.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-39-02.8 ODA provider certification: homemaker.	<p>Under (B)(7)</p> <p>(a) The supervisor shall complete and document a 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.</p> <p>(b) The supervisor shall 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. The homemaker aide need not be present during the visit. The visit shall be documented, including the date of the visit, the name of the homemaker supervisor, name of the individual, and shall include the signature of the individual and the homemaker supervisor or the electronic signature of the homemaker supervisor.</p>	<p>Under (B)(7)</p> <p>(a) <u>Initial visit:</u> The supervisor shall complete and document <del>a individual home</del> <u>an initial</u> 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. <u>The supervisor may conduct the visit by telephone, video conference, or in person.</u></p> <p>(b) <u>Subsequent visits:</u> The supervisor shall <u>complete and document</u> <del>evaluate—an evaluation of</del> the homemaker aide's compliance with the activities plan, the individual's satisfaction, and job performance during a <del>home</del> visit with the individual at least every ninety three days to evaluate the homemaker aide's compliance with the plan. The homemaker aide need not be present during the visit. <u>The supervisor may conduct the visit by telephone, video conference, or in person.</u> <del>The visit shall be documented, including the date of the visit, the name of the homemaker supervisor, name of the individual, and shall include the signature of the individual and the homemaker supervisor or the electronic signature of the homemaker supervisor.</del></p> <p>(c) <u>Records:</u> <u>The supervisor shall document each initial and subsequent visit in the individual's activity plan, including the date of the visit, individual's name, the supervisor's name, and the supervisor's handwritten or electronic signature. As an attestation that the individual participated in the evaluation, the supervisor may also include a unique identifier of the individual, including the individual's handwritten or electronic signature, fingerprint, stamp, mark, password, barcode, or swipe card.</u></p>	<p>Supervisor Visits:</p> <ul style="list-style-type: none"> <li>• <b>Temporary Flexibility in Venue:</b> Allows supervisors to conduct supervisor visits by telephone, video conference, or in person.</li> <li>• <b>Temporary Flexibility in Verification:</b> Allows, rather than requires, the supervisor to collect a unique identifier of the individual as an attestation that the supervisor visited the individual by telephone, video conference, or in person.</li> </ul>
173-39-02.11 ODA provider certification: personal care.	NA	<p>Under (A)(1)</p> <p>(e) <u>Providing an errand outside of the presence of the individual that is needed by the individual to maintain the individual's health and safety (e.g., picking up a prescription or groceries for the individual).</u></p>	<p><b>Temporary Amendment to Definition:</b> Amends the definition of "personal care" to include errands provided outside of the presence of the individuals that are needed by the individuals to maintain their health and safety.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-39-02.11 ODA provider certification: personal care.	<p>Under (B)(4)(c)</p> <p>(i) Before allowing a PCA to begin providing personal care to an individual, a PCA supervisor shall 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. The PCA supervisor shall 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.</p> <p>(ii) After the PCA's initial visit to an individual, the PCA supervisor shall 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. The PCA supervisor shall discuss recommended modifications to the activity plan with the case manager and PCA. The PCA does not need to be present during this visit. The PCA supervisor shall 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.</p>	<p>Under (B)(4)(c)</p> <p>(i) <u>Initial visit:</u> Before allowing a PCA to begin providing personal care to an individual, a PCA supervisor shall 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. <u>The PCA supervisor may conduct the visit by telephone, video conference, or in-person visit to the individual's home.</u> The PCA supervisor shall document this visit <u>in the individual's activity plan</u>, including the date of the visit, the PCA supervisor's name, the individual's name, <del>the individual's signature,</del> and the PCA supervisor's signature.</p> <p>(ii) <u>Subsequent visits:</u> After the PCA's initial visit to an individual, the PCA supervisor shall 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. The PCA supervisor shall discuss recommended modifications to the activity plan with the case manager and PCA. The PCA does not need to be present during this visit. <u>The PCA supervisor may conduct each subsequent visit by telephone, video conference, or in-person visit to the individual's home.</u> The PCA supervisor shall document these visits <u>in the individual's activity plan</u>, including the date of the visit, the PCA supervisor's name, the individual's name, <del>the individual's signature,</del> and PCA supervisor's signature.</p>	<p><b>Temporary Flexibility in Venue for PCA Supervisor Visits:</b> Allows PCA supervisors to conduct supervisor visits by telephone, video conference, or in person.</p>
173-39-02.12 ODA provider certification: social work counseling.	<p>Under (B)</p> <p>(1) In-home: The provider shall deliver the service in the individual's residence, unless the individual and case manager authorize another arrangement.</p>	<p>Under (B)</p> <p>(1) In-home: The provider shall deliver the service in the individual's residence, <del>unless the individual and case manager authorize another arrangement or</del> <u>by telephone or video conference if permitted by the counselor, social worker, and marriage and family therapist board.</u></p>	<p><b>Temporary Flexibility in Venue:</b> Allows providers to provide counseling by telephone, video conference, or in person if permitted by the Counselor, Social Worker, and Marriage and Family Therapist Board.</p>
173-39-02.14 ODA provider certification: home-delivered meals.	NA	<p>Under (B)(2)</p> <p><u>(c) The provider may make multiple meal deliveries exceeding fourteen meals.</u></p>	<p><b>Temporary Flexibility in Delivery Volume:</b> Allows providers to deliver more than 14 meals in a single delivery.</p>
173-39-02.14 ODA provider certification: home-delivered meals.	NA	<p>Under (B)(2)</p> <p><u>(d) If a provider uses a common carrier to deliver meals, the provider shall replace (at no cost to the individual, ODA, or ODA's designee) any meal lost or stolen between the time of delivery and receipt by the individual.</u></p>	<p><b>Temporary New Requirement:</b> Requires providers using a common carrier to deliver meals to replace any meal lost or stolen between the time of delivery and receipt by the individual.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-39-02.18 ODA provider certification: non-medical transportation.</p>	<p>(A) "Non-medical transportation" (transportation) means using a provider's vehicle and driver to transport individuals from one place to another for a non-medical purpose. "Non-medical transportation" does not include the following:</p> <ul style="list-style-type: none"> <li>(1) Transportation otherwise available, or funded by, Ohio's medicaid program or another source.</li> <li>(2) Transportation for a non-emergency medical purpose. (See rule 173-39-02.13 of the Administrative Code.)</li> <li>(3) Transportation being provided through a similar service in this chapter.</li> <li>(4) Transportation the individual's family, neighbors, friends, or community agencies are willing to, or required to provide to the individual free of charge.</li> <li>(5) Escort or transportation by a participant-directed provider. (See rule 173-39-02.4 of the Administrative Code.)</li> </ul>	<p>(A) "Non-medical transportation" (transportation) means using a provider's vehicle and driver to transport individuals from one place to another for a non-medical purpose. <u>Beginning on the effective date of this rule, or the date ODA receives CMS approval, whichever occurs later, "non-medical transportation" includes providing an errand outside of the presence of the individual that is needed by the individual to maintain the individual's health and safety (e.g., picking up a prescription or groceries for the individual).</u> "Non-medical transportation" does not include the following:</p> <ul style="list-style-type: none"> <li>(1) Transportation otherwise available, or funded by, Ohio's medicaid program or another source.</li> <li>(2) Transportation for a non-emergency medical purpose. (See rule 173-39-02.13 of the Administrative Code.)</li> <li>(3) Transportation being provided through a similar service in this chapter.</li> <li>(4) Transportation the individual's family, neighbors, friends, or community agencies are willing to, or required to provide to the individual free of charge.</li> <li>(5) Escort or transportation by a participant-directed provider. (See rule 173-39-02.4 of the Administrative Code.)</li> </ul>	<p><b>Temporary Amendment to Definition:</b> Amends the definition of "non-medical transportation" to include providing an errand outside the presence of the individual that is needed by the individual to maintain the individual's health and safety.</p>
<p>173-39-02.21 ODA provider certification: scheduling personal care aides and participant-directed providers.</p>	<p>Entire Rule</p>	<p>Temporary Rescission of Entire Rule</p>	<p>Temporary Rescission of Entire Rule</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-39-23 ODA provider certification: out-of-home respite.	Under (B) (2) Requirements specific to a waiver nursing service: The provider shall comply with the requirements in rule 5160-44-17 of the Administrative Code.	Under (B) <u>(2) Requirements specific to out-of-home respite:</u>  <del>(2)(a) Requirements specific to a waiver nursing service:</del> —The provider shall comply with the requirements in rule 5160-44-17 of the Administrative Code.  <u>(b) If ODA receives CMS approval, the provider may provide out-of-home respite in either of the following:</u>  <u>(i) A RCF.</u>  <u>(ii) Another setting if the provider receives ODA's approval to use the setting. The option to use another setting begins on the effective date of this rule or the date of CMS approval, whichever occurs later.</u>  <u>(c) If ODA does not receive CMS approval to authorize paragraph (B)(2)(b)(ii) of this rule, the provider shall be permitted to provide out-of-home respite in a RCF.</u>	Temporary Flexibility with Venue: Allows providers to provide out-of-home respite in either an RCF or another setting if the provider receives ODA's approval to use the setting.
173-39-03 ODA provider certification: applying for certification.	Under (B)(1) (a) ODA's designee shall visit the provider's business site to determine if the provider meets the applicable requirements in rule 173-39-02 of the Administrative Code and any additional requirements in this chapter regulating a service the provider is seeking certification to provide	Under (B)(1) (a) ODA's designee shall <u>either visit or conduct a desk review of</u> the provider's business site to determine if the provider meets the applicable requirements in rule 173-39-02 of the Administrative Code and any additional requirements in this chapter regulating a service the provider is seeking certification to provide	Temporary Flexibility for Pre-Certification Review Venue: Allows ODA's designees to conduct pre-certification reviews by either a visit or a desk review, rather than only by a visit.
173-39-03 ODA provider certification: applying for certification.	Under (B)(1) (b) ODA's designee shall complete the review and notify ODA of its recommendation within ninety days after receiving a complete application.	Under (B)(1) (b) ODA's designee shall complete the review and notify ODA of its recommendation within ninety days after receiving a complete application, <u>unless ODA approves an extended deadline.</u>	Temporary Flexibility for Pre-Certification Review Deadlines: Allows ODA to give its designees an extension to the 90-day deadline to complete pre-certification reviews.
173-39-03 ODA provider certification: applying for certification.	Under (B)(1) (e) ODA's designee shall conduct the review of a participant-directed provider at the individual's home and the individual must be present for the review, unless the individual agrees, in writing, to an alternate location and to not participate.	Under (B)(1) (e) ODA's designee <del>shall</del> <u>may</u> conduct the review of a participant-directed provider at the individual's home and the individual must be present for the review, unless the individual agrees, in writing, to an alternate location and to not participate.	Temporary Flexibility for Pre-Certification Review of Participant-Directed Providers: Allows, rather than requires, ODA's designees to conduct the pre-certification review of a participant-directed provider at the individual's home.

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-39-03 ODA provider certification: applying for certification.</p>	<p>NA</p>	<p><u>(F) Deemed providers: If ODA receives CMS approval to do so, ODA may deem any provider certified by ODM or the department of developmental disabilities to provide one or more services through a medicaid-waiver program as having satisfied the requirements for certification by ODA for the same or similar services under this chapter, as determined by ODA. The effective period for a provider to be deemed an ODA-certified provider begins on the effective date of this rule or the date ODA receives CMS approval to deem, whichever occurs later, and ends if the provider cannot comply with all the requirements of Chapter 173-9 of the Administrative Code and this chapter within sixty days after initial deeming or a medicaid provider agreement is terminated, whichever occurs first.</u></p>	<p><b>Temporary New Deeming of Providers:</b> Allows ODA to deem any provider certified by ODM or ODODD to provide one or more services through a Medicaid-waiver program also certified to provide the same or similar services.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-39-03.3 ODA provider certification: applying to be certified to provide additional services.</p>	<p>(B) Pre-certification review: ODA's designee shall visit the provider's business site to conduct an on-site pre-certification review to determine if the provider meets the requirements of this chapter to be certified to provide the additional service. For agency providers, this includes compliance with paragraph (C)(1)(a) of rule 173-39-02 of the Administrative Code.</p> <p>(1) ODA's designee shall complete the on-site review and notify ODA of its recommendation within ninety days after receiving a complete application, unless the situation in paragraph (B)(2) or (B)(3) of this rule applies.</p> <p>(2) ODA's designee may conduct a desk review in lieu of an on-site review if the provider's business site is located outside of Ohio. ODA's designee shall complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.</p> <p>(3) ODA's designee may conduct a desk review in lieu of an on-site review if the provider does not have a business site in the region in which the provider is seeking to be certified. ODA's designee shall complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.</p>	<p>(B) Pre-certification review: ODA's designee shall <u>either</u> visit the provider's business site to conduct an on-site pre-certification review <u>or conduct a desk review</u> to determine if the provider meets the requirements of this chapter to be certified to provide the additional service. For agency providers, this includes compliance with paragraph (C)(1)(a) of rule 173-39-02 of the Administrative Code. <u>ODA's designee shall complete the review and notify ODA of its recommendation within ninety days after receiving a complete application, unless ODA approves an extended deadline.</u></p> <p><del>(1) ODA's designee shall complete the on-site review and notify ODA of its recommendation within ninety days after receiving a complete application, unless the situation in paragraph (B)(2) or (B)(3) of this rule applies.</del></p> <p><del>(2) ODA's designee may conduct a desk review in lieu of an on-site review if the provider's business site is located outside of Ohio. ODA's designee shall complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.</del></p> <p><del>(3) ODA's designee may conduct a desk review in lieu of an on-site review if the provider does not have a business site in the region in which the provider is seeking to be certified. ODA's designee shall complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.</del></p>	<p>Temporary Flexibility for Pre-Certification Review Venue: Allows ODA's designees to conduct pre-certification reviews by either a visit or a desk review, rather than only by a visit.</p>

<p>173-39-03.3 ODA provider certification: applying to be certified to provide additional services.</p>	<p>NA</p>	<p><u>(E) ADS providers: The following begins on the effective date of this rule or the date ODA receives CMS approval, whichever occurs later:</u></p> <p><u>(1) ODA may deem any ODA-certified ADS provider to also be an ODA-certified provider of any one or more of the following services:</u></p> <p><u>(a) Homemaker, as defined in rule 173-39-02.8 of the Administrative Code.</u></p> <p><u>(b) Personal care, as defined in rule 173-39-02.11 of the Administrative Code.</u></p> <p><u>(c) Home-delivered meals, as defined in rule 173-39-02.14 of the Administrative Code.</u></p> <p><u>(d) Community integration, as defined in rule 173-39-02.15 of the Administrative Code.</u></p> <p><u>(2) ODA's designee shall not conduct the review in paragraph (B) of this rule for an ODA-certified ADS provider deemed certified to provide the services under paragraph (E)(1) of this rule.</u></p> <p><u>(3) If ODA deems an ODA-certified ADS provider to be a provider of the services under paragraph (E)(1) of this rule, the following apply:</u></p> <p><u>(a) The provider's certification to provides one or more services listed under paragraph (E)(1) of this rule ends when the effective period for this rule ends.</u></p> <p><u>(b) If the provider wishes to continue providing one or more services listed under paragraph (E)(1) of this rule after the effective period for this rule ends, ODA's designee shall conduct the review in accordance with paragraph (B) of this rule.</u></p>	<p>Temporary New Flexibility for ADS: Allows ODA to deem any ODA-certified ADS provider to also be an ODA-certified provider of homemaker, personal care, home-delivered meals, or community integration.</p>
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RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-39-03.4 ODA provider certification: applying to be certified in additional regions or to certify additional business sites.</p>	<p>(B) Pre-certification review: ODA's designee shall visit the provider's business site to conduct an on-site pre-certification review to determine if the provider meets the requirements of this chapter to provide the service for which it is already certified in the additional region or additional business site within the same region. For agency providers seeking certification in an additional region, this includes compliance with paragraph (C)(1)(a) of rule 173-39-02 of the Administrative Code.</p> <p>(1) ODA's designee shall complete the on-site review and notify ODA of its recommendation within ninety days after receiving a complete application, unless the situation in paragraph (B)(2) or (B)(3) of this rule applies.</p> <p>(2) ODA's designee may conduct a desk review in lieu of an on-site review if the provider's business site is located outside of Ohio. ODA's designee shall complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.</p> <p>(3) ODA's designee may conduct a desk review in lieu of an on-site review if the provider's operations in the region in which the provider is seeking to be certified would not have a business site in that region. ODA's designee shall complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.</p>	<p>(B) Pre-certification review: ODA's designee shall <u>either</u> visit the provider's business site to conduct an on-site pre-certification review <u>or conduct a desk review</u> to determine if the provider meets the requirements of this chapter to provide the service for which it is already certified in the additional region or additional business site within the same region. For agency providers seeking certification in an additional region, this includes compliance with paragraph (C)(1)(a) of rule 173-39-02 of the Administrative Code. <u>ODA's designee shall complete the review and notify ODA of its recommendation within ninety days, unless ODA approves an extended deadline.</u></p> <p><del>(1) ODA's designee shall complete the on-site review and notify ODA of its recommendation within ninety days after receiving a complete application, unless the situation in paragraph (B)(2) or (B)(3) of this rule applies.</del></p> <p><del>(2) ODA's designee may conduct a desk review in lieu of an on-site review if the provider's business site is located outside of Ohio. ODA's designee shall complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.</del></p> <p><del>(3) ODA's designee may conduct a desk review in lieu of an on-site review if the provider's operations in the region in which the provider is seeking to be certified would not have a business site in that region. ODA's designee shall complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.</del></p>	<p>Temporary Flexibility for Pre-Certification Venue: Allows ODA's designees to conduct a pre-certification review by either a visit or a desk review, rather than only a visit.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-39-04 ODA provider certification: structural compliance reviews.</p>	<p>Under (B)            (1) ODA's designee shall conduct subsequent reviews of providers of personal emergency response systems; home maintenance and chores; home medical equipment and supplies; home modification; non-emergency medical transportation; or non-medical transportation no later than seven hundred thirty days after the date of the previous review.</p> <p>(2) No later than three hundred sixty-five days after the date of the previous review, ODA's designee shall conduct subsequent reviews of providers of services not listed in paragraph (B)(1) of this rule, unless the provider is a provider of community transition through the home choice program under rule 5160-44-50 of the Administrative Code.</p> <p>(3) No later than three hundred sixty-five days after the date of the previous review, ODA or, at ODA's sole discretion, ODA's designee shall complete the subsequent reviews of a provider of community transition through the home choice program under rule 5160-44-50 of the Administrative Code.</p>	<p>Under (B)  <del>(1) ODA's designee shall conduct subsequent reviews of providers of personal emergency response systems; home maintenance and chores; home medical equipment and supplies; home modification; non-emergency medical transportation; or non-medical transportation no later than seven hundred thirty days after the date of the previous review.</del></p> <p><del>(2) No later than three hundred sixty-five days after the date of the previous review, ODA's designee shall conduct subsequent reviews of providers of services not listed in paragraph (B)(1) of this rule, unless the provider is a provider of community transition through the home choice program under rule 5160-44-50 of the Administrative Code.</del></p> <p><del>(3) No later than three hundred sixty-five days after the date of the previous review, ODA or, at ODA's sole discretion, ODA's designee shall complete the subsequent reviews of a provider of community transition through the home choice program under rule 5160-44-50 of the Administrative Code.</del></p> <p><u>(1) ODA's designee shall complete any subsequent structural compliance reviews currently in progress.</u></p> <p><u>(2) ODA's designee shall not schedule new subsequent structural compliance reviews until July 8, 2020, or a later date, if authorized by ODA.</u></p> <p><u>(C) ODA's designees may miss the deadlines under paragraphs (A) and (B) of this rule if ODA's designee has an appropriate rationale for a delay and documents the rationale for the delay in the provider's file.</u></p>	<p>Subsequent Reviews:</p> <ul style="list-style-type: none"> <li>Continued Requirement on In-Progress Reviews: Requires ODA's designees to complete any subsequent structural compliance reviews already in progress.</li> <li>Temporary Moratorium on Scheduling New Reviews: Prohibits ODA's designees from scheduling any new subsequent structural compliance reviews until July 8, 2020 (or a later date, if authorized by ODA).</li> </ul>
<p>173-39-04 ODA provider certification: structural compliance reviews.</p>	<p>NA</p>	<p><u>(C) ODA's designees may miss the deadlines under paragraphs (A) and (B) of this rule if ODA's designee has an appropriate rationale for a delay and documents the rationale for the delay in the provider's file.</u></p>	<p>Temporary Flexibility on Deadlines: Permits ODA's designees to miss deadlines for reviewing providers if they document an appropriate rationale for the delays in the providers' files.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-39-04 ODA provider certification: structural compliance reviews.	<p>Under (D)</p> <p>(1) ODA's designee shall conduct an on-site review in accordance with paragraph (D) of this rule when:</p> <p>...</p> <p>(2) ODA's designee shall conduct a desk review of each provider in the designee's region when:</p> <p>...</p> <p>(3) ODA or, at ODA's sole discretion, ODA's designee shall conduct an on-site or desk review of each provider of community transition through the home choice program under rule 5160-44-50 of the Administrative Code.</p> <p>...</p>	<p>Under (D)</p> <p>(1) ODA's designee shall conduct <del>an on-site</del> <u>a desk</u> review in accordance with paragraph <del>(D)</del> <u>(E)</u> of this rule when:</p> <p>...</p> <p>(2) ODA's designee shall conduct a desk review of each provider in the designee's region when:</p> <p>...</p> <p>(3) ODA or, at ODA's sole discretion, ODA's designee shall conduct <del>an on-site or desk</del> <u>a</u> review of each provider of community transition through the home choice program under rule 5160-44-50 of the Administrative Code.</p> <p>...</p>	<p><b>Temporary Flexibility on Venue:</b> Allows more situations under which ODA's designees may conduct desk reviews instead of on-site reviews.</p>
173-39-04 ODA provider certification: structural compliance reviews.	<p>Under (E)</p> <p>(8) Be conducted at the individual's home and include the participation of the individual if the provider is a participant-directed provider, unless the individual agrees, in writing, to an alternate location and to not participate. An individual's written authorization to conduct the review at an alternate location.</p>	<p>Under (E)</p> <p>(8) Be conducted at the individual's home <del>and include the participation of the individual or as a</del> <u>desk review</u> if the provider is a participant-directed provider. <u>If ODA's designee conducts a review at the individual's home, ODA's designee shall include the individual in the review,</u> unless the individual agrees, in writing, to an alternate location and to not participate. An individual's written authorization to conduct the review at an alternate location.</p>	<p><b>Temporary Flexibility on Venue for Participant-Directed Provider:</b> Allows more situations under which ODA's designees may conduct desk reviews instead of on-site reviews.</p>

### PASSPORT PROGRAM

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-39-02 ODA provider certification: requirements to become, and to remain, certified.		See listing in table under PROVIDER CERTIFICATION.	
173-39-02.1 ODA provider certification: adult day service.		See listing in table under PROVIDER CERTIFICATION.	
173-39-02.7 ODA provider certification: home medical equipment and supplies.		See listing in table under PROVIDER CERTIFICATION.	

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-39-02.8 ODA provider certification: homemaker.		See listing in table under PROVIDER CERTIFICATION.	
173-39-02.11 ODA provider certification: personal care.		See listing in table under PROVIDER CERTIFICATION.	
173-39-02.12 ODA provider certification: social work counseling.		See listing in table under PROVIDER CERTIFICATION.	
173-39-02.14 ODA provider certification: home-delivered meals.		See listing in table under PROVIDER CERTIFICATION.	
173-39-02.18 ODA provider certification: non-medical transportation.		See listing in table under PROVIDER CERTIFICATION.	
173-39-02.21 ODA provider certification: scheduling personal care aides and participant-directed providers.		See listing in table under PROVIDER CERTIFICATION.	
173-39-23 ODA provider certification: out-of-home respite.		See listing in table under PROVIDER CERTIFICATION.	
173-39-03 ODA provider certification: applying for certification.		See listing in table under PROVIDER CERTIFICATION.	
173-39-03.3 ODA provider certification: applying to be certified to provide additional services.		See listing in table under PROVIDER CERTIFICATION.	
173-39-03.4 ODA provider certification: applying to be certified in additional regions or to certify additional business sites.		See listing in table under PROVIDER CERTIFICATION.	
173-39-04 ODA provider certification: structural compliance reviews.		See listing in table under PROVIDER CERTIFICATION.	
173-40-02 PASSPORT program (state-funded component): individual eligibility requirements.	Under (A) (1) First time only: The individual was not previously enrolled in the state-funded component of the PASSPORT program or the state-funded component of the assisted living program.	Under (A) <del>(1) First time only: The individual was not previously enrolled in the state-funded component of the PASSPORT program or the state-funded component of the assisted living program.</del>	<b>Temporary Removal of Limits:</b> No longer prohibits the individual from enrolling into the state-funded component of the PASSPORT Program if previously enrolled in the state-funded component of either the PASSPORT or Assisted Living Programs.

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-40-02 PASSPORT program (state-funded component): individual eligibility requirements.	(C) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets all the requirements under paragraph (A) of this rule shall not participate in the state-funded component of the PASSPORT program for more than ninety days,.	(C) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets all the requirements under paragraph (A) of this rule shall not participate in the state-funded component of the PASSPORT program for more than ninety days, <u>unless ODA's director approves an extended number of days.</u>	<b>Temporary Removal of Limits:</b> Allows ODA's director to approve an extension to the 90-day limit on enrollment in the state-funded component of the PASSPORT Program.
173-40-02 PASSPORT program (state-funded component): individual eligibility requirements.	NA	<u>(D) ODA's designee may collect the individual's handwritten or electronic signature for the agreements required in paragraphs (A)(2)(b), (A)(3)(a), (A)(4), and (B)(7) of this rule on a date later than the date the individual makes each agreement, but no later than the next reassessment of the individual.</u>	<b>Temporary Flexibility on Authorizations:</b> Allows ODA's designee to collect the individual's handwritten or electronic signature for agreement related to enrollment on a date later than the date the individual makes each agreement, but no later than the next reassessment of the individual.
173-42-03 PASSPORT program (medicaid-funded component): enrollment and reassessment of individuals.	<p>Under (A)  (1) ODM's administrative agency: An individual who makes initial contact with ODM's administrative agency shall apply for medicaid (unless already enrolled in medicaid) and for the medicaid-funded component of the PASSPORT program. ODM's administrative agency shall determine if the individual meets all financial eligibility requirements and shall notify ODA's designee of the application. In response, ODA's designee shall initiate contact with the individual to conduct an in-person assessment to determine if the individual meets all non-financial eligibility requirements.</p> <p>Under (A)(2)  (a) An individual who makes initial contact with ODA's designee shall 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. ODA's designee shall conduct an in-person assessment to determine if the individual meets all non-financial eligibility requirements.</p>	<p>Under (A)  (1) ODM's administrative agency: An individual who makes initial contact with ODM's administrative agency shall apply for medicaid (unless already enrolled in medicaid) and for the medicaid-funded component of the PASSPORT program. ODM's administrative agency shall determine if the individual meets all financial eligibility requirements and shall notify ODA's designee of the application. In response, ODA's designee shall initiate contact with the individual to conduct an <del>in-person</del> assessment <u>by telephone, video conference, or in person</u> to determine if the individual meets all non-financial eligibility requirements.</p> <p>Under (A)(2)  (a) An individual who makes initial contact with ODA's designee shall 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. ODA's designee shall conduct an <del>in-person</del> assessment <u>by telephone, video conference, or in person</u> to determine if the individual meets all non-financial eligibility requirements.</p>	<b>Temporary Flexibility in Assessment Venue:</b> Allows ODA's designee to conduct assessments by telephone, video conference, or in person.

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-42-03 PASSPORT program (medicaid-funded component): enrollment and reassessment of individuals.</p>	<p>(D) Reassessment: ODA's designee shall 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 into the program. After ODA's designee conducts each reassessment, if the individual continues to qualify for the medicaid-funded component of the program, the individual shall decide if he or she wishes to remain in the program. If the individual wishes to remain, the individual shall sign form ODA1044 as a condition of continued enrollment. As used in this paragraph, "ODA1044" means "ODA1044 'Annual Enrollment Agreement' (March, 2014)."</p>	<p>(D) Reassessment: ODA's designee shall 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 into the program. After ODA's designee conducts each reassessment, if the individual continues to qualify for the medicaid-funded component of the program, the individual shall decide if he or she wishes to remain in the program. If the individual wishes to remain, the individual shall sign form ODA1044 as a condition of continued enrollment. <u>ODA's designee may collect the individual's handwritten or electronic signature on the form on a date later than the date the individual agrees to continue in the program, but no later than the next reassessment of the individual.</u> As used in this paragraph, "ODA1044" means "ODA1044 'Annual Enrollment Agreement' (March, 2014)."</p>	<p><b>Temporary Flexibility in Authorizations:</b> Allows ODA's designee to collect the individual handwritten or electronic signature regarding continued enrollment either at the time of reassessment or any time before the next reassessment.</p>
<p>173-42-06 PASSPORT program (medicaid-funded component): individual's choices and responsibilities.</p>	<p>Under (A) (1) The individual and ODA's designee shall meet face-to-face to develop the individual's person-centered services plan (plan) according to rule 5160-44-02 of the Administrative Code.</p>	<p>Under (A) (1) The individual and ODA's designee shall meet <del>face-to-face</del> <u>by telephone, video conference, or in person</u> to develop the individual's person-centered services plan (plan) according to rule 5160-44-02 of the Administrative Code.</p>	<p><b>Temporary Flexibility in Planning Venue:</b> Allows ODA's designee to meet the individual by telephone, video conference, or in person to develop the individual's person-centered services plan.</p>

### LONG-TERM CARE CONSULTATION PROGRAM

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-43-02 Long-term care consultation program: process and general standards for providing consultations.</p>	<p>Under (A) (1) When an individual contacts the program administrator to seek information about options available to meet long-term care needs, the program administrator shall offer a long-term care consultation to the individual.  (2) 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 shall provide a long-term care consultation to the individual.</p>	<p>Under (A) (1) When an individual contacts the program administrator to seek information about options available to meet long-term care needs, the program administrator shall offer a long-term care consultation to the individual, <u>which may also be done by telephone or video conference.</u>  (2) 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 shall provide a long-term care consultation to the individual, <u>which may also be done by telephone or video conference.</u></p>	<p><b>Temporary Clarification:</b> Allows program administrators to offer and provide consultations by telephone, video conference, or in person.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-43-03 Long-term care consultation program: required consultations and exemptions.	<p>(A) The program administrator shall provide a long-term care consultation to each individual in one or more of the following categories, unless paragraph (B) or (C) of this rule exempt the individual:</p> <p>...</p> <p>(D) The program administrator may provide a long-term care consultation to any individual residing in a nursing facility regardless of the source of payment used to pay for the individual's care in the nursing facility.</p>	<p>(A) The program administrator shall provide a long-term care consultation <u>by telephone, video conference, or in person</u> to each individual in one or more of the following categories, unless paragraph (B) or (C) of this rule exempt the individual:</p> <p>...</p> <p>(D) The program administrator may provide a long-term care consultation <u>by telephone, video conference, or in person</u>, to any individual residing in a nursing facility regardless of the source of payment used to pay for the individual's care in the nursing facility.</p>	<p><b>Temporary Clarification:</b> Allows program administrators to provide consultations by telephone, video conference, or in person.</p>
173-43-04 Long-term care consultation program: time frames.	<p>Under (B)</p> <p>(1) If an individual has applied for medicaid coverage, the program administrator shall complete the long-term care consultation in accordance with the applicable time frame for providing a face-to-face level-of-care determination.</p>	<p>Under (B)</p> <p>(1) If an individual has applied for medicaid coverage, the program administrator shall complete the long-term care consultation in accordance with the applicable time frame for providing a <del>face-to-face</del> level-of-care determination.</p>	<p><b>Temporary Flexibility:</b> Allows program administrators to provide consultations according to the time frame for providing a level-of-care determination made by telephone, video conference, or in person instead of according to the time frame for providing a "face-to-face" level-of-care determination.</p>
173-43-05 Long-term care consultation program: staff certification.	<p>Under (A)</p> <p>(3) Any person who provides an in-person a 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 shall meet the requirements of paragraph (A)(2)(a) of this rule.</p>	<p>Under (A)</p> <p>(3) Any person who provides <del>an in-person a</del> 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 shall meet the requirements of paragraph (A)(2)(a) of this rule.</p>	<p><b>Temporary Flexibility:</b> Requires any person who provides a long-term care consultation, rather than an <i>in-person</i> long-term care consultation, that includes an assessment of the individual's functional capabilities, fulfills any portion of a required PAS-RR determination, or fulfills any portion of a LOC review to have a current, valid license to be a registered nurse or social worker.</p>

## PACE

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-50-03 PACE: enrollment process.</p>	<p>Under (C)</p> <p>(5) Once a PACE organization receives the application, it shall contact the applicant to complete the application, if necessary, and to provide the applicant with an in-person-assessment determine eligibility for PACE.</p> <p>(6) Once the in-person assessment is completed, the PACE organization shall forward the information from its assessment to ODA.</p> <p>Under (D)</p> <p>(1) The PACE organization shall provide the applicant with an in-person assessment to determine if the applicant meets the non-financial eligibility requirements for PACE.</p> <p>...</p> <p>(5) After completing the in-person assessment, the PACE organization shall submit the information from its assessment to ODA.</p>	<p>Under (C)</p> <p>(5) Once a PACE organization receives the application, it shall contact the applicant to complete the application, if necessary, and to provide the applicant with an <del>in-person</del>-assessment <u>by telephone, video conference, or in person</u> to determine eligibility for PACE.</p> <p>(6) Once the <del>in-person</del>-assessment is completed, the PACE organization shall forward the information from its assessment to ODA.</p> <p>Under (D)</p> <p>(1) The PACE organization shall provide the applicant with an <del>in-person</del>-assessment <u>by telephone, video conference, or in person</u> to determine if the applicant meets the non-financial eligibility requirements for PACE.</p> <p>...</p> <p>(5) After completing the <del>in-person</del>-assessment, the PACE organization shall submit the information from its assessment to ODA.</p>	<p><b>Temporary Flexibility in Venue:</b> Allows the PACE organization to contact applicants by telephone, video conference, or in person to complete applications and assessment for eligibility determination.</p>

## ASSISTED LIVING PROGRAM

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-38-03 Assisted living program (medicaid-funded component): enrollment and reassessment of individuals.</p>	<p>Under (A)                      (1) ODM's administrative agency: An individual who makes initial contact with ODM's administrative agency, shall 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. ODM's administrative agency shall determine if the individual meets all financial eligibility requirements and shall notify ODA's designee of the individual's application. In response, ODA's designee shall initiate contact with the individual to conduct an in-person assessment to determine if the individual meets all non-financial eligibility requirements.</p> <p>Under (A)(2)                      (a) An individual who makes initial contact with ODA's designee shall 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. ODA's designee shall conduct an in-person assessment to determine if the individual meets all non-financial eligibility requirements.</p>	<p>Under (A)                      (1) ODM's administrative agency: An individual who makes initial contact with ODM's administrative agency, shall 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. ODM's administrative agency shall determine if the individual meets all financial eligibility requirements and shall notify ODA's designee of the individual's application. In response, ODA's designee shall initiate contact with the individual to conduct an <del>in-person</del> assessment to determine if the individual meets all non-financial eligibility requirements. <u>ODA's designee may conduct the assessment by telephone, video conference, or in person.</u></p> <p>Under (A)(2)                      (a) An individual who makes initial contact with ODA's designee shall 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. ODA's designee shall conduct an <del>in-person</del> assessment to determine if the individual meets all non-financial eligibility requirements. <u>ODA's designee may conduct the assessment by telephone, video conference, or in person.</u></p>	<p><b>Temporary Flexibility in Assessment Venue:</b>                      Allows ODA's designee to conduct assessments by telephone, video conference, or in person.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
<p>173-38-03 Assisted living program (medicaid-funded component): enrollment and reassessment of individuals.</p>	<p>Under (B)(1)(b) (v) The date the individual resides in an ODA-certified RCF in an ODA-approved living unit.</p>	<p>Under (B)(1)(b) (v) The date the individual <del>resides</del> <del>began residing</del> in an ODA-certified <del>provider's RCF in an ODA-approved residential</del> living unit <del>that complies with rule 173-39-02.16 of the Administrative Code</del>. If the centers for medicare and medicaid services (CMS) approve, the date the individual began residing in an ODA-certified provider's RCF in a residential living unit does not comply with the requirements for a residential living unit in rule 173-39-02.16 of the Administrative Code may also apply, but only if the provider is in the process of bringing the residential living unit into compliance with rule 173-39-02.16 of the Administrative Code and has notified ODA of this plan. (To remain enrolled in the assisted living program after the effective period of this rule ends, an individual who enrolls while living in a non-compliant residential living unit may either remain in the residential living unit if ODA approves a plan for the provider to bring the residential living unit into compliance shall or transfer the individual to a compliant residential living unit before the effective period of this rule ends, unless ODA approves a transition plan allowing the a transfer to occur when a compliant residential living unit becomes available.). The date the individual began residing in a residential living unit that does not comply with the requirements in rule 173-39-02.16 of the Administrative Code becomes an option beginning on the effective date of this rule or the date CMS approves the option, whichever occurs later.</p>	<p><b>Temporary Flexibility in Residential Living Units:</b> Allows establishing an Medicaid waiver program enrollment date on the latest of a series of dates, one of which is the date the individual began residing in either a residential living unit that complies with rule 173-39-02.16 of the Revised Code or a residential living unit that does not comply with rule 173-39-02.16, but only if the provider is in the process of bringing the residential living unit into compliance with rule 173-39-02.16 of the Administrative Code and has notified ODA of this plan.</p>
<p>173-38-03 Assisted living program (medicaid-funded component): enrollment and reassessment of individuals.</p>	<p>(D) Reassessment: ODA's designee shall 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 into the program. After ODA's designee conducts each reassessment, if the individual continues to qualify for the medicaid-funded component of the program, the individual shall decide if he or she wishes to remain in the program. If the individual wishes to remain, the individual shall sign form ODA1044 as a condition of continued enrollment.</p>	<p>(D) Reassessment: ODA's designee shall 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 into the program. After ODA's designee conducts each reassessment, if the individual continues to qualify for the medicaid-funded component of the program, the individual shall decide if he or she wishes to remain in the program. If the individual wishes to remain, the individual shall sign form ODA1044 as a condition of continued enrollment. <u>ODA's designee may collect the individual's handwritten or electronic signature on the form on a date later than the date the individual agrees to continue in the program, but no later than the next reassessment of the individual.</u></p>	<p><b>Temporary Flexibility in Authorizations:</b> Allows ODA's designee to collect the individual handwritten or electronic signature regarding continued enrollment either at the time of reassessment or any time before the next reassessment.</p>

RULE	PERMANENT REQUIREMENT	CHANGES to PERMANENT REQUIREMENT DURING THE EFFECTIVE PERIOD	DESCRIPTION of CHANGES DURING THE EFFECTIVE PERIOD
173-39-02 ODA provider certification: requirements to become, and to remain, certified.	See listing in table under PROVIDER CERTIFICATION.		
173-39-03 ODA provider certification: applying for certification.	See listing in table under PROVIDER CERTIFICATION.		
173-39-03.3 ODA provider certification: applying to be certified to provide additional services [community transition].	See listing in table under PROVIDER CERTIFICATION.		
173-39-04 ODA provider certification: structural compliance reviews.	See listing in table under PROVIDER CERTIFICATION.		
173-51-02 Assisted living program (state-funded component): individual eligibility requirements.	Under (A) (1) First-time only: The individual was not previously enrolled in the state-funded component of the assisted living program or the state-funded component of the PASSPORT program.	Under (A) <del>(1) First time only: The individual was not previously enrolled in the state-funded component of the assisted living program or the state-funded component of the PASSPORT program.</del>	<b>Temporary Removal of Limits:</b> No longer prohibits the individual from enrolling into the state-funded component of the Assisted Living Program if previously enrolled in the state-funded component of either the Assisted Living or PASSPORT Programs.
173-51-02 Assisted living program (state-funded component): individual eligibility requirements.	(C) An individual who is eligible for the state-funded component of the assisted living program shall not participate in the state-funded component of the assisted living program for more than ninety days.	(C) An individual who is eligible for the state-funded component of the assisted living program shall not participate in the state-funded component of the assisted living program for more than ninety days, <u>unless ODA's director approves an extended number of days.</u>	<b>Temporary Removal of Limits:</b> Allows ODA's director to approve an extension to the 90-day limit on enrollment in the state-funded component of the Assisted Living Program.
173-51-02 Assisted living program (state-funded component): individual eligibility requirements.	NA	<u>(D) ODA's designee may collect the individual's handwritten or electronic signature for the agreements required in paragraphs (A)(2)(b), (A)(3)(a), (A)(3)(c), and (A)(4) of this rule on a date later than the date the individual makes each agreement, but no later than the next reassessment of the individual.</u>	<b>Temporary Flexibility on Authorizations:</b> Allows ODA's designee to collect the individual's handwritten or electronic signature for agreement related to enrollment on a date later than the date the individual makes each agreement, but no later than the next reassessment of the individual.