DEPARTMENT OF AGING

Provider certification

- Expands as a provider agreement to include one that a services provider may enter into, or renew, with either the Department of Aging or a PASSPORT administrative agency.
- Revises one of the disciplinary actions that the Department may take against a certified provider, by specifying that the action requires submission to the Department of both, instead of either, a plan of correction and evidence of compliance with requirements the Department has identified.
- Specifically includes a direct care provider in the law permitting the Department not to hold a hearing when taking disciplinary action against a provider's certification, when a provider's principal owner or manager has pled guilty to a disqualifying offense.
- Authorizes the Department to send notices regarding disciplinary actions by electronic mail.

Community-based long-term care services providers – criminal records checks

- Excludes ambulette drivers, attorneys, persons acting at the direction of attorneys, and certain participant-directed providers from criminal records checks and database reviews for persons applying for, or employed in, direct-care positions with community-based long-term care services providers under Department-administered programs.
- Eliminates a consumer meeting certain conditions from the law's "responsible party" definition.
- Excludes ambulette drivers, attorneys, and persons acting at the direction of attorneys from the requirement that the Department take certain actions based on criminal records check and database review results when issuing or awarding community-based long-term care services certificates, contracts, or grants to self-employed providers.

Electronic visit verification

- Exempts providers utilizing electronic visit verification systems from the law requiring each provider under contract with the Department of Aging, Developmental Disabilities, Health, or Job and Family Services to provide home care services to home care dependent adults to have a system in place that monitors the delivery of those services.
- Eliminates obsolete law requiring the departments to submit a report in 2005 addressing how self-employed providers may be required to adopt a monitoring system.

PASSPORT – home health and personal care aides

- Eliminates law prohibiting the Department from requiring a PASSPORT program home health aide to complete more hours of pre-service training or annual in-service training than is required by federal law.

- Instead, extends that prohibition to PASSPORT program personal care aides, by prohibiting the Department from requiring such an aide to complete more pre-service and annual in-service training hours than federal law requires.
- Eliminates references to home health aides from the law limiting the supervision of PASSPORT program home health aides and personal care aides to registered nurses (RNs) and licensed practical nurses (LPNs) under the direction of RNs.
- Specifies that LPNs may supervise PASSPORT program personal care aides under the direction of the following additional practitioners: chiropractors, dentists, optometrists, physicians, physician assistants, and podiatrists.

Program for All-Inclusive Care for the Elderly (PACE)

- Requires the Department to seek approval to allow the Program for All-Inclusive Care for the Elderly (PACE) applicants to receive PACE services immediately upon applying, during a presumptive eligibility period, while a full eligibility determination is conducted.
- Specifies that, if the applicant is later determined to be ineligible for PACE, the PACE organization that made the presumptive eligibility determination is responsible for the costs of PACE services provided to the individual during that period.

BELTSS license fee increases

- Increases fees paid to the Board of Executives of Long-Term Services and Supports (BELTSS) for nursing home administrator license applications, initial licenses, renewals, and reinstatements and for health service executive license renewals.
- Establishes the fee for a temporary license, available beginning January 1, 2025.
- Changes the term "administrator in training" to "administrator resident."

Provider certification

(R.C. 173.391)

The act makes the following changes to the law governing the Department of Aging's certification of service providers under programs administered by the Department, including the PASSPORT program.

First, it describes a provider agreement as one that a provider of services may enter into, or renew, with either of the following parties: the Department, or a PASSPORT administrative agency operating in the region of Ohio where the provider is certified. Prior law authorized a provider to enter or renew an agreement with only a PASSPORT administrative agency (referred to in rules as the Department's designee).

Second, the act revises one of the disciplinary actions that the Department may take against a certified provider, by specifying that the action requires submission of both of the following to the Department: (1) a plan of correction and (2) evidence of compliance with

requirements identified by the Department. Under prior law, either a plan *or* evidence of compliance was to be submitted.

Third, it specifically includes a direct care provider in the law permitting the Department not to hold a hearing when it denies, suspends, or revokes a provider certification because the provider's principal owner or manager has entered a guilty plea for, been convicted of, or has been found eligible for intervention in lieu of conviction for a disqualifying offense.

Fourth, the act authorizes the Department to send notices regarding (1) disciplinary actions or (2) refusals to certify providers by electronic mail. Previously, the notices could be sent only by regular mail.

Community-based long-term care services providers – criminal records checks

(R.C. 173.38 and 173.381)

The act makes several changes to the law governing criminal records checks and database reviews for persons applying for, or employed in, direct-care positions with community-based long-term care services providers whose services are provided under programs administered by the Department. Under continuing law, a responsible party is prohibited from employing an applicant or continuing to employ an employee in a direct-care position if the applicant or employee is included in certain criminal and other databases or has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

First, the act provides that a direct-care position does not include an ambulette driver employed by a licensed organization. Second, it specifies that a direct-care position does not include an attorney licensed to practice in Ohio or a person who is not licensed to practice law in Ohio but, at the attorney's direction, assists the attorney in providing legal services. Accordingly, neither a database review nor a criminal records check is required. Third, the act exempts a participant-directed provider from the criminal records check and database review requirements, but only if the Director of Aging has conducted a database review of the provider in the same manner that other database reviews are conducted.

Relatedly, the act eliminates a consumer meeting certain conditions from the law's responsible party definition. As such, that consumer is not required by the act to conduct database reviews or criminal records checks for direct-care positions.

Separately, with respect to the law related to self-employed providers and the Department's issuance or awarding of community-based long-term care services certificates, contracts, or grants to such providers, the act specifically excludes an ambulette driver, attorney, and person acting at the direction of an attorney from the law requiring the Department to take certain actions against a provider if the provider is included in certain criminal and other monitoring databases or is found by a criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Electronic visit verification

(R.C. 121.36)

The act makes the following changes to the law requiring a provider under contract with the Department of Aging, Developmental Disabilities, Health, or Job and Family Services to provide home care services to home care dependent adults to have a system in place that effectively monitors service delivery by the provider's employees.

First, it exempts providers utilizing an electronic visit verification system from having to implement a monitoring system. Under prior law, only self-employed providers with no other employees were exempt from the requirement to have a system in place to monitor service delivery.

Second, the act eliminates outdated law requiring a report regarding monitoring service delivery by self-employed providers.

PASSPORT – home health and personal care aides

(R.C. 173.525)

The act eliminates law prohibiting the Department from requiring a PASSPORT program home health aide to complete more hours of pre-service training or annual in-service training than is required by federal law. However, it extends that prohibition to PASSPORT program personal care aides, by barring the Department from requiring such an aide to complete more pre-service and annual in-service training hours than federal law requires.

The act also revises the law limiting the supervision of PASSPORT program home health aides and personal care aides to registered nurses (RNs) or licensed practical nurses (LPNs) under the direction of RNs as follows:

1. Removes the law's references to home health aides; and

2. Specifies that LPNs may supervise under the direction of the following additional practitioners: chiropractors, dentists, optometrists, physicians, physician assistants, and podiatrists.

Program for All-Inclusive Care for the Elderly (PACE)

(R.C. 173.50 and 173.503)

The act requires the Department to implement a presumptive eligibility component to the Program for All-Inclusive Care for the Elderly (PACE). Under the act, PACE applicants may receive services during a temporary period that begins immediately upon application and a finding of presumptive eligibility. During this time, the PACE organization must conduct a full eligibility determination. If the individual is determined to be ineligible for PACE, the PACE organization that found the individual presumptively eligible is responsible for the costs of services provided to the individual during the presumptive eligibility period. The Director of Aging may adopt rules establishing priorities for enrolling in the program under presumptive eligibility.

BELTSS license fee increases

(R.C. 4751.20, 4751.24, and 4752.25)

The act increases the fees paid to the Board of Executives of Long-Term Services and Supports (BELTSS) as follows:

- Nursing home administrator license application, from $100 to $250;
- Nursing home administrator resident application, from $50 to $250;
- Nursing home administrator initial license, from $250 to $800;
- Nursing home administrator biennial license renewal, from $600 to $800;
- Nursing home administrator license reinstatement, from $300 to $800;
- Health services executive annual license renewal, from $50 to $100.

The act establishes a fee of $350 for issuance of a temporary license to act as a nursing home administrator, which, can be issued to an individual who meets the requirements for a nursing home administrator but has not yet passed the licensing examination.

The act also changes the term "administrator in training" to "administrator resident."