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## DEPARTMENT OF AGING

### Provider certification

- Expands a provider agreement as 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 of Aging may take against a certified provider, by specifying that the action requires submission to the Department of both a plan of correction **and** evidence of compliance with requirements the Department has identified, instead of either.
- 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 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 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 the law requiring the departments, by September 27, 2005, to study and submit a report addressing how self-employed providers may be required to adopt a monitoring system.

## **PASSPORT program – training and supervision of home health and personal care aides**

- Eliminates the 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.

## **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 on January 1, 2025.
- Changes the term “administrator in training” to “administrator resident.”

## **Provider certification**

(R.C. 173.391)

The bill 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. Current law authorizes 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 bill 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 current law, either a plan *or* evidence of compliance must 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 for the following reason: that a 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 bill authorizes the Department to send notices regarding (1) disciplinary actions or (2) refusals to certify providers by electronic mail. At present, such notices may be sent only by regular mail.

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

(R.C. 173.38 and 173.381)

The bill 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 current 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 bill provides that a direct-care position does not include an ambulette driver employed by a licensed organization. Second, it provides 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 direction of such an attorney, assists the attorney in the provision of legal services. Accordingly, neither a database review nor a criminal records check is required for such ambulette drivers, attorneys, and assistants of attorneys. Third, the bill 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 bill eliminates a consumer meeting certain conditions from the law's responsible party definition. As such, that consumer is not required by the bill 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 bill 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 bill 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 for the provision of home care services to home care dependent adults to have a system in place that effectively monitors service delivery by provider employees.

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

Second, the bill eliminates the law requiring the departments to study and submit a report, not later than September 27, 2005, addressing how self-employed providers may be made subject to the requirement to adopt an effective monitoring system for service delivery.

## **PASSPORT program – training and supervision of home health and personal care aides**

(R.C. 173.525)

The bill eliminates the 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 bill 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.

## **BELTSS license fee increases**

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

The bill 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 bill establishes a fee of \$350 for issuance of a temporary license to act as a nursing home administrator. The temporary license, valid for 180 days, became available on January 1, 2025, and, under continuing law, can be issued to an individual who meets the requirements for a nursing home administrator but has not yet passed the licensing examination.

The bill also changes the term “administrator in training” to “administrator resident.”