
DEPARTMENT OF AGING

Background checks

- Requires the Director of Aging or other hiring entity to request a criminal records check before (rather than up to five days after) conditionally employing a person in certain positions involving community-based long-term care or ombudsman services.
- Requires the Department of Aging's procedures to be used for conducting criminal records checks when considering applicants for certain direct-care positions, even if a community-based long-term care provider is also a service provider under a Department of Medicaid-administered program for home and community-based care.

Dementia training materials and program support

- Expands to include other types of dementia (rather than only Alzheimer's disease) that must be covered in Department of Aging training materials and respite care programs funded by the Department.

Notice of decisions regarding certification or discipline

- Requires the Department of Aging to notify a provider of community-based long-term care services of a decision that was reached without a hearing (1) not to certify the provider or (2) to take disciplinary action.

Exception to required hearing regarding certification

- Exempts from hearing requirements certain Department of Aging actions regarding the certification of a community-based long-term care provider if the provider's Medicaid provider agreement has been suspended.

Background checks

(R.C. 173.27 and 173.38)

Conditional employment

The bill requires the Director of Aging or other hiring entity to request a criminal records check before conditionally employing a person in (1) a community-based long-term care position involving direct-care services for consumers or (2) a state or regional long-term care ombudsman position. Under conditional employment, an applicant may begin employment even though the results of a criminal records check have not yet been received. Current law allows the criminal records check to be requested up to five business days after conditional employment begins.

Procedures for conducting checks

(R.C. 173.38 and 5164.342)

The bill eliminates the option of using the Department of Medicaid's criminal records checks procedures (in lieu of the Department of Aging's procedures) for direct-care positions under a Department of Aging-administered program, such as PASSPORT, when the hiring entity

for the program is also a provider of home and community-based services under a Department of Medicaid-administered waiver program. However, the bill retains the authority of hiring entities under a Medicaid-administered waiver program to use the Department of Aging's procedures. The Department of Aging's procedures require investigation of whether a person has been found eligible for intervention in lieu of conviction; the Department of Medicaid's procedures do not.

Dementia training materials and program support

(R.C. 173.04)

Current law requires the Department of Aging to disseminate on its website training materials for licensed health care and social service personnel who provide care for persons who have Alzheimer's disease. To the extent that funds are available, the Department also must administer respite care programs for persons with Alzheimer's disease to provide short-term, temporary care for the person in the absence of the person's regular caregiver. The bill expands these topics and programs to include dementia generally (rather than only Alzheimer's disease).

Notice of decisions regarding certification or discipline

(R.C. 173.391)

Except in certain specified circumstances, current law requires the Department of Aging to hold a hearing where there is a dispute regarding (1) a decision not to certify a provider of community-based long-term care services or (2) a disciplinary action taken against a provider. In cases where a hearing is not required, the bill requires the Department to notify the provider of the decision not to certify or the disciplinary action the Department is taking. Under current law, notifying the provider is permissive rather than mandatory.

Exception to required hearing regarding certification

(R.C. 173.391)

Under current law, the Department of Aging is not required to hold a hearing when there is a dispute between the Department and a provider of community-based long-term care services regarding the Department's decision not to certify the provider or to take disciplinary action against the provider if the provider's Medicaid provider agreement has been (1) suspended because of a disqualifying indictment or (2) denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended because of a disqualifying indictment. The bill provides that the hearing is not required regardless of whether the provider agreement was suspended because of a disqualifying indictment or a credible allegation of fraud. (See "**Suspension of provider agreements and payments**" in the Department of Medicaid's section of this analysis below.)