

**Note:** Upload completed document to the Electronic Rule Filing System.

Hearing Date: 2/18/2022

Today's Date: 3/7/2022

Agency: Ohio Department of Aging

Rule Number(s): 173-39-01, 173-39-02, 173-39-02.1 173-39-02.4, 173-39-02.7, 173-39-02.8, 173-39-02.10, 173-39-02.11, 173-39-02.12, 173-39-02.13, 173-39-02.20, 173-39-03, 173-39-03.1, 173-39-03.2 173-39-03.3, 173-39-03.4, and 173-39-04

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If no comments at the hearing, please check the box.

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. State Long-Term Care Ombudsman on 173-39-02

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## Hearing Summary Report

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

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Rule 173-39-02 of the Administrative Code generally prohibits certifying a provider to provide services to an individual if the provider is legally responsible for caring for the individual as the individual's spouse, parent, step-parent, or legal guardian. The rule makes an exception for a state of emergency declared by the governor or a federal public health emergency. Erin, Pettegrew, the interim state long-term care ombudsman, asked ODA to grandfather any legally-responsible provider from being disqualified from certification after the federal public health emergency ends.

## Hearing Summary Report

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s).  
If no comments were incorporated, explain why not.

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ODA declined to accept the proposed change. Generally, this rule prohibits a provider from financially benefitting from taking care of an individual if the provider is the spouse, parent, step-parent, legal guardian, power of attorney, or authorized representative of the individual. During the PHE, ODA agreed to this exception due to short staffing, and health concerns from obtaining this service from a third party. Once the PHE ends, these concerns are abated and there is no need for the exception.