



THE PUBLIC'S COMMENTS & ODA'S RESPONSES

ODA thanks all who submitted comments during the public comment period.

Proposed replacement of Chapter 173-3 of the Administrative Code
Period rules posted on ODA web site: November 16, 2011 to November 27, 2011
Date of this document: November 30, 2011

GENERAL

	THE PUBLIC'S COMMENTS	ODA'S RESPONSES
1	ODA did not receive any general comments on the proposed rule project.	NA

173-43-01 Introduction and definitions.

	THE PUBLIC'S COMMENTS	ODA'S RESPONSES
1	ODA did not receive any comments specific to this proposed new rule.	NA

173-43-02 Process.

	THE PUBLIC'S COMMENTS	ODA'S RESPONSES
1	ODA did not receive any comments specific to this proposed new rule.	NA

173-43-03 Required consultations and exemptions.

	THE PUBLIC'S COMMENTS	ODA'S RESPONSES
1	<p>"I am concerned that you are giving to much control to the [administrators] in the continuing care programs. Especially when it comes to having a review of terms of care. Things can change radically of a very small amount of time when it comes to seniors. One program within the [continuum] of services can be excellent and the nursing portion can be awful. When an individual gets to the point where they need to be placed into nursing care is when there needs to be extra [constraints] put on the nursing program for the safety of the client; not less supervision.</p> <p>"For most individuals that have to be put into nursing care is because they are unable to take</p>	<p>The requirements to provide a long-term care consultation has not changed from the current rule to this proposed new rule. The intent of the long-term care consultation is to provide individuals with information about the options available to them and to support their decision-making process. Assigning staff to follow individuals who are admitted to a nursing facility is outside the scope of the long-term care consultation program.</p>

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	<p>care of themselves. I personally feel there needs to be a social worker/advocate assigned to the family immediately upon arrival. Many family are not interested in making sure the needs of their elderly is able to make [decisions] for themselves. It needs to be evaluated how much the client is able to participate in the [decision] and the interactions between family members. Family members should be able to view medical records if [necessary] and help put together a treatment plan.</p> <p>Sincerely, Diann Boone</p>	

173-43-04 Time frames.

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1	<p>(A): "There is concern about "shall complete the long-term care consultation in accordance with the applicable time frame for providing the level-of-care determination" stated in 173-43-04(A). As it reads, it could be interpreted that the LTCC must be completed before issuing the LOC determination. This is appropriate if completing an in person assessment in order to issue the level of care. However, according to 5101:3-3-15 (LOC process rule) some LOC determinations are issued as part of a desk review process rather than an in person process. If the LOC determination is issued based on a desk review, then the consumer receives an in person visit at a later date.</p> <p>"We question if the wording should say instead that the LTCC should be completed in the time frames required for an in person explanation of LTC options required in the 5101:3-3-15 rule.</p> <p>"The wording seems to tie the time frame for the LTCC to the LOC determination rather than the in person explanation of LTC options required by the LOC rules.</p> <p>[Penny Lovett, Ohio Association of Area Agencies on Aging]</p>	<p>In the version of the proposed new rule that ODA files with the Joint Committee on Agency Rule Review, ODA inserted the words "face-to-face" in paragraph (A) of the rule to reduce any concern over interpretation. The revised paragraph now reads, "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 as specified in rule 5101:3-3-15 of the Administrative Code."</p>

173-43-05 Staff certification.

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1	ODA did not receive any comments specific to this proposed new rule.	NA