



# THE PUBLIC'S COMMENTS & ODA'S RESPONSES

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

Rules: 173-39-02.16, 173-39-02.17  
Period rules posted on ODA's website: March 12, 2013 to March 17, 2013  
Date of this document: March 26, 2013

## RULE 173-39-02.16 Assisted living service.

	THE PUBLIC'S COMMENTS	ODA'S RESPONSES
1	<p>The Ohio Association of Area Agencies on Aging (o4a), which represents twelve Area Agencies on Aging (AAAs) who serve as PASSPORT Administrative Agencies (PAAs) submits the following comments:</p> <p><b>Provider Certification: Assisted Living Services, Rule 173-39-02.16</b></p> <p>The proposed change to this rule to clarify that assisted living services include the coordination of meals, not the provision of meals themselves, is a reasonable proposal to distinguish assisted living "services" covered by the waiver, from meals which are considered "room and board" and paid for by the resident.</p> <p>However, we are concerned that the change in language may lead to a misinterpretation of the requirements for an assisted living facility under the waiver. Although the room and board calculation includes the provision of three meals a day (see O.A.C. Rule 5101:3-33-02), which would indicate that three meals a day must be provided, there does not appear to be any language that explicitly states that the assisted living facility must provide three meals a day to residents in the waiver program.</p> <p>When the assisted living waiver was first implemented, Area Agencies on Aging encountered a number of assisted living facilities that did not provide three meals a day. We recommend that an explicit statement that three meals a day are required to be provided be included in the rules regarding the waiver program.</p> <p>We appreciate the opportunity to participate in the Ohio Department of Aging's rule-making process.</p>	<p>Thanks for submitting O4A's comment to ODA. It seems that O4A is requesting that JFS amend their rule to explicitly require RCFs serve 3 meals per day as part of room and board vs., define "room and board" as something that includes three meals per day. Earlier today, we forwarded your written comment to JFS for review.</p>

**RULE 173-39-02.17 Community transition service.**

	<b>THE PUBLIC'S COMMENTS</b>	<b>ODA'S RESPONSES</b>
<b>1</b>	NO COMMENTS RECEIVED	NA