

December 9, 2022

Joint Committee on Agency Rule Review
Vern Riffe Center
77 South High Street, Concourse Level
Columbus, OH 43215

Re: Comments regarding proposed rules to regulate Skilled and Non-Medical Home Health Services

Joint Committee Members,

The Home Care Association of America, Ohio Chapter (HCAOA-OH) respectfully submits these comments in response to the proposed rules to regulate [Skilled and Non-Medical Home Health Services](#), as set forth in [Chapter 3701-60 of the Ohio Administrative Code](#). By way of background, HCAOA-OH is our state's leading trade association that exclusively represents non-medical home health agencies. HCAOA-OH member organizations primarily provide supportive services in people's private homes including assistance with activities of daily living, such as bathing, dressing, eating, and other services that enable them to remain in their own home.

HCAOA is grateful for the opportunity to continue to participate in the formation of a final rule to license and regulate our agencies in Ohio and have found the Department of Health (ODH) a welcoming and diligent partner in ensuring Ohioans receive quality, safe home care. We have offered our ideas every step of the way and wish to reiterate our thoughts below.

Omission of Accreditation for Non-medical Home Health Agencies

HCAOA-OH believes that the final rule ODH promulgates should waive licensure requirements if an agency is accredited by one of the recognized accreditation organizations: Accreditation Commission for Health Care (ACHC), Community Health Accreditation Program (CHAP), and the Joint Commission on Accreditation of Healthcare Organizations. I have sent additional information on these organizations to your office and again emphasize that accreditation is indeed offered to non-medical home health agencies and should be recognized in the regulations, just as it is for skilled home health agencies. In fact, several of our members, including BrightStar Home Care, are mandated to achieve accreditation. Many other agencies are pursuing accreditation at this time. Adding this to the non-medical home health section of the regulations would also reduce ODH's oversight costs and administrative time.

Medication Administration

Requests to assist people with medication adherence is one of the top reasons families turn to home care agencies. There is a critical need to make sure individuals are taking the right dose at the right time, which is why so many families turn to non-medical home care agencies. Too often, medication errors result in falls and subsequent ER visits or hospital admissions. This service alone is usually not provided by skilled home health agencies because of the rules surrounding Medicare coverage for home health. Yet, medication assistance is critically needed by our older citizens.

The Ohio Department of Developmental Disabilities operates a popular and efficient medication administration training and certification program that authorizes caregivers under their purview to perform a variety of tasks for people with many different medical conditions. We believe ODH should use this training and certification process as a guide in implementing something similar for our caregivers. Ohio's aging population and its disabled citizens need assistance with medication administration. We strongly believe that our caregivers, as long as they are properly trained and regulated, can safely provide this help.

Definition of Independent Provider

Currently, it is our understanding that if an individual is an independent provider, such as those licensed through the Ohio Department of Medicaid or the Ohio Department of Aging, they only have to obtain a Skilled or Nonmedical Home Health Services license if they provide care to more than two clients simultaneously, meaning physically at the same time. This eliminates the need for licensure for many of Ohio's independent providers and seems at odds with ODH's overarching goal of client safety.

Almost no non-medical provider (in Ohio or anywhere else) physically and simultaneously cares for more than two clients at the same time. This definition allows independent providers to avoid licensing and regulation, creating an uneven regulatory playing field. We ask that this carve out for independent providers be removed so that industry parity can be ensured.

We look forward to receiving further guidance and assisting ODH in forming and implementing final regulations that are both safe for the public and practical for the operational needs of our small businesses. HCAOA-OH appreciates your efforts in establishing standards for home-based care so that Ohioans can remain in their homes as they age. Please feel free to contact me at ASTapleton@trinityihc.co if you have any questions.

Sincerely,

Aaron Stapleton, Chair
Trinity Home Care
HCAOA Ohio State Chapter