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LeadingAgeOhio.org

September 12, 2023

Ursel McElroy, Director
Ohio Department of Aging
30 E. Broad Street, 22nd Floor
Columbus, Ohio 43215

RE: Proposed OAC 173-39-02-1

Director McElroy,

LeadingAge Ohio appreciates the opportunity to provide comments on proposed Ohio Administrative Code (OAC) 173-39-02-1 ODA provider certification – adult day service. LeadingAge Ohio (LAO) commends the Ohio Department of Aging their steadfast support of adult day services across Ohio's communities throughout the Covid-19 pandemic, acknowledging adult day as an essential service (ODA, 2023-2026 State Plan on Aging, p. 37) that must remain accessible to older Ohioans as they age. We would like to offer suggested changes to OAC 173-39-02-1 that strengthen the services provided to Ohioans who choose to age in place.

Proposed OAC 173-39-02-1 (B)(4): Staffing Levels

Adequate staffing is an essential care element and LeadingAge Ohio supports appropriate staffing measures to ensure the continuation of care for older adults attending adult day programs. Many adult day participants fluctuate in their care needs, which requires adult day providers to alter their staff to participant ratios as necessary for those with acute needs.

To best utilize direct care workforce where it is needed most, LeadingAge Ohio is requesting the staffing ratio be reconsidered from 6:1 to 8:1, which will allow providers to safely provide care and use discretion where more staff is needed.

Proposed OAC 173-39-02-1 (B): Staffing Levels

The flexibility to increase or decrease staff throughout the day is crucial for providers to meet the needs of participants in adult day services while also managing personnel costs, specifically during the first and last hour of program times when there may be only a single participant on-site. Adult day service providers, like many in the healthcare sector, are still working to stabilize their workforce and 2:1 staffing during the early and late minutes of the day is not a prudent use of scarce workforce.

With this in mind, LAO respectfully requests that the following language to be added as a new

section: "During the first and last hour of announced program times, if there is only a single participant, a 1:1 staff to participant ratio is acceptable."

Proposed OAC 173-39-02-1 (C) (3): Units and Rates, Absent Days for Reimbursement

Many adult day participants have complex or chronic medical needs that can inhibit their ADS participation at times either because of frequent illness or unanticipated medical appointments. Adult day providers are not reimbursed for absent days, unlike skilled nursing providers, who are reimbursed for "bed hold days" and childcare providers who may be paid for up to 10 call-off / absent days per six-month period. Missed days force providers to send home scheduled staff, causing them to lose hours and creating unpredictability in income. LAO is requesting consistency with childcare through implementing a payment / revenue code for reimbursement of up to 10 absent days per 6 months of service for each MyCare, Ohio Home Care, and PASSPORT waivers.

Each of these is a small change, but taken together will provide needed regulatory relief to adult day providers, allowing them to continue to participate in Ohio's aging waivers. We appreciate your willingness to accept feedback and look forward to continued partnership between the Ohio Department of Aging and LeadingAge Ohio. Please let us know if you have any questions regarding our submission.

Thank you for your consideration of our comments.

Kind regards,

Susan V. Wallace, MSW, LSW
President/CEO