

Rule Summary and Fiscal Analysis (Part A)**Department of Aging**

Agency Name

Division

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Enrollment process for the choices program.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB59**General Assembly: **130**Sponsor: **Amstutz**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.01, 173.02**

5. Statute(s) the rule, as filed, amplifies or implements: **173.53, 173.55**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

In H.B.59's amendments to Section 173.403 of the Revised Code [which it renumbered as "173.53"], the General Assembly authorized ODA and ODM to "collaborate to determine whether the Choices Program should continue to operate as a separate Medicaid waiver component or be terminated." The result is that the Choices program is not set to expire on June 30, 2014 and ODA and ODM will not

request authorization from CMS to continue the program.

This rule project implements this decision and, in accordance with section 119.032 of the Revised Code, updates 5 types of items in the rule as part of ODA's periodic review of the rule, which may not occur any less often than once every five years, and must occur before the review date assigned to the rule.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule that ODA is proposing to amend establishes the process for enrolling individuals (not Ohio businesses) into the Choices Program.

ODA is proposing to amend the rule in the following ways:

1. ODA is proposing to add a paragraph to the beginning of the rule to announce that the enrollment into the Choices Program will be suspended effective March 1, 2014 in accordance with the authority the General Assembly gave ODA and ODM in H.B.59 to suspend such enrollment in advance of the expiration of the program on June 30, 2014. (Cf., Section 173.53 of the Revised Code.)
2. ODA is proposing to update references in the rule to reflect the reorganization of sections of the Ohio Revised Code by H.B.59.
3. ODA is proposing to replace "PASSPORT Medicaid waiver program" with "Medicaid-funded component of the PASSPORT program," which is what the Revised Code calls the program.
4. ODA is proposing to replace the definition for "authorized representative" with the universal definition for all of Medicaid--including the Medicaid waiver programs--that ODM adopted in rule 5160:1-1-55.1 of the Administrative Code.
5. ODA is proposing to replace references to ODJFS rules with references to corresponding ODM rules.
6. ODA is proposing to amend the title to list add the name of the program to the title.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

On November 29, 2013, ODA revise filed the rule to correct a typographical error in this RSFA. Previously, ODA stated in its response to #6 the following: "...the Choices program is not set to expire...." ODA has revised this to say the following: "...the Choices Program is now set to expire...."

12. 119.032 Rule Review Date: **11/29/2013**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

ODA anticipates that the proposed amendments to this rule will have no effect upon the biennial budget that the Ohio General Assembly established for ODA in H.B.59(130th G.A.). Additionally, ODA anticipates that the proposed amendments to this rule will have no effect upon line items GRF-651-525 or 3C40-656-623, because when the General Assembly established the budget for those line items, it had the closing of the Choices program in mind. (Cf., Section 173.53 of the Revised Code.)

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

GRF-651-525 Medicaid/Health Care Services.

3C40-656-623 Long-Term Care Program Support-Federal.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

ODA estimates that there is no cost of compliance to any directly-affected person that would result from ODA's proposed amendment to this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

This rule that ODA is proposing to amend does not require any Ohio business to have a license, permit, or any other authorization to engage in, or operate, a line of business. Instead, it establishes the process for enrolling an individual (not a business) into the Choices Program.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

This rule that ODA is proposing to amend does not impose a criminal penalty, civil penalty, or other penalty; or create a cause of action for an Ohio business that fails to comply with its terms. In fact, the rule does not make any requirements of Ohio businesses. Instead, it establishes the process for enrolling an individual (not a business) into the Choices Program.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

This rule that ODA is proposing to amend does not require any Ohio business to spend money in order to comply with the rule. Instead, it establishes the process for enrolling an individual (not a business) into the Choices Program.