

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-38-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Assisted living program (medicaid-funded component): eligibility criteria for individuals.

**Agency Name:** Department of Aging

**Division:**

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 8/14/2018
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 173.54, 173.02, 173.01
5. **What statute(s) does the rule implement or amplify?** 173.54; 42 C.F.R 441.352
6. **What are the reasons for proposing the rule?**

This rule filing is part of 2 packages of rules ODA is filing on the same day. The rules in these packages regard eligibility and enrollment in the state- and Medicaid-funded components of the Assisted Living and PASSPORT Programs, the unified waiting list, and PACE. ODA is making many updates to these rules, but all are non-substantive.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Section 173.54 authorizes ODA to adopt rules for the Medicaid-funded component of the Assisted Living Program, but ODM adopted a rule to establish the eligibility requirements for the program. Therefore, ODA adopted this rule so that readers of ODA's chapter of rules on the Medicaid-funded component of the Assisted Living Program (Chapter 173-38 of the Administrative Code) may know that the eligibility requirements are found in rule 5160-33-03 of the Administrative Code.

ODA is proposing to replace "criteria" with "requirements" for consistency throughout ODA's rules and because the singular form of "criteria" is "criterion," which is a term some readers may not understand.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

On August 16, 2018, ODA made a revising filing of this rule to upload a revised public hearing notice and to revise this RSFA.

## **II. Fiscal Analysis**

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

if ODA adopts this rule as filed, ODA estimates there will be no increase/decrease in revenue from what the Ohio General Assembly appropriated to ODA for the biennium in Am. Sub. H. B. 49 (132nd G.A.).

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

ODA estimates that this rule has no cost of compliance to any directly-affected person. It merely introduces the chapter and defines terms used within the chapter. ODA is not proposing to make substantive changes to the rule.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

### **III. Common Sense Initiative (CSI) Questions**

15. **Was this rule filed with the Common Sense Initiative Office?** No

16. **Does this rule have an adverse impact on business?** No

- 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 does not regulate any Ohio business. Instead, informs readers that the eligibility requirements for the Medicaid-funded component of the Assisted Living Program are established by ODM in rule 5160-33-03 of the Administrative Code.

- 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 does not regulate any Ohio business. Instead, informs readers that the eligibility requirements for the Medicaid-funded component of the Assisted Living Program are established by ODM in rule 5160-33-03 of the Administrative Code.

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

This rule does not regulate any Ohio business. Instead, informs readers that the eligibility requirements for the Medicaid-funded component of the Assisted Living Program are established by ODM in rule 5160-33-03 of the Administrative Code.