

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-38-03

Rule Type: Amendment

Rule Title/Tagline: Assisted living program (medicaid-funded component): enrollment and reassessment of 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?** 10/16/2020
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?** 121.07, 173.01, 173.02, 173.54
5. **What statute(s) does the rule implement or amplify?** 173.54, 173.542, 173.55; 42 C.F.R. 441.352
6. **What are the reasons for proposing the rule?**

ODA reviewed this rule as part of a larger rule package that proposes to implement enduring changes related to social distancing and other matters.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule regulates the process and requirements for enrolling and reassessing individuals in the Medicaid-funded component of the Assisted Living Program.

ODA proposes to amend this rule to indicate that ODA's designee has flexibility to conduct assessments by telephone, video conference, or in person.

This rule requires ODA's designee to establish an individual's Medicaid waiver program enrollment date that 5 requirements are met. One of those requirements is to live in a resident unit that complies with rule 173-39-02.16 of the Administrative Code. ODA proposes to amend the requirement to live in such a unit to a requirement to live in a unit that complies with rule 173-39-02.16 of the Administrative Code or a unit that does not comply with that rule (as long as it includes a bathroom with a toilet, a sink, and a shower/bathtub, all of which are in working order) if there is a plan to transition bring the unit into compliance or transition the individual to such a unit before a deadline.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule mentions a form that ODA publishes on its website and which readers may access free of charge.

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

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

The proposed amendments to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (132nd G.A.).

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

There is no cost of compliance to any directly-affected person or organization associated with ODA's proposed amendments to this rule. The amendments provide ODA's designee with flexibility to conduct assessments by telephone, video conference, or in person and give residents and providers flexibility to participate in the program when no resident unit that complies with rule 173-39-02.16 of the Administrative Code is available.

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
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office?** No
17. **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
 - 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
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No

This rule only regulates ODA and its designees.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable