

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-38-03

Rule Type: New

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? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? SB 9 - 134 - McColley, Roegner
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. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This proposed new rule will exist to establish the enrollment process for the Medicaid-funded component of the Assisted Living Program.

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

This proposed new rule will establish the enrollment process for the Medicaid-funded component of the Assisted Living Program.

Because ODA's proposals to amend the current version of this rule would have resulted in amending approximately more than 50% of the rule, ODA proposes to rescind the rule and to adopt this new new rule in its place to comply with the 50% guideline in §4.3.1 of LSC's Rule Drafting Manual. The following are the differences between the current rule and the proposed new rule:

1. The proposed new rule will require ODA's designee to collect the individual's handwritten or electronic signature as an agreement to continue as an enrollee in the program. To allow for social distancing during the COVID-19 public health emergency, ODA added a provision to paragraph (D) of this rule to allow collecting this signature at a later date. ODA now proposes to limit this flexibility to emergencies declared by the governor or a federal public health emergency.

2. The proposed new rule will continue to require an ODA-approved enrollment agreement, but to no longer require the use of form ODA1044.

3. To comply with R.C. §§ 106.03, 121.95, and 121.951, the proposed new rule will have a reduced use of regulatory restriction words (e.g., shall). This accounts for a majority of the differences between the current rule and this proposed new rule.

9. Does the rule incorporate material by reference? No

10. 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.

Not Applicable

11. 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

- 12. 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

Adopting this proposed new rule will not impact the biennial budget that the Ohio General Assembly established for ODA in House Bill 33 (135th G.A.).

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

The estimated cost of compliance to an applicant is the act of applying for the Medicaid-funded component of the Assisted Living Program and cooperating with ODA's designee and ODM's administrative agency on their assessments of eligibility.

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

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. 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

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

- 18. 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
- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. 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 to this rule?
Not Applicable
- B. How many existing regulatory restrictions do you propose removing from this rule?
Not Applicable
- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
Not Applicable
- D. Please justify the adoption of the new regulatory restriction(s).
Not Applicable