

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-38-04

Rule Type: New

Rule Title/Tagline: Assisted living program (medicaid-funded): provider certification.

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? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 173.01, 173.02, 173.391, 173.54.
5. What statute(s) does the rule implement or amplify? 173.39, 173.54; 42 C.F.R. 441.352.
6. What are the reasons for proposing the rule?

After reviewing the current rule top-to-bottom, ODA proposes to rescind the rule and replace it with this new rule to comply with LSC's 50% guideline.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This proposed new rule will let readers know what rules to comply with to become a provider for the Assisted Living Program. Without this rule, a person reading the

chapter on the Medicaid-funded component of the program (Chapter 173-38) may not know that Chapter 173-39 requires providers to be certified by ODA.

Compared to the rule it would replace, ODA proposes to make the following amendments to the new rule:

(1) ODA's analysis of its website usage shows most people access rules on ODA's website by search engines (e.g., Google). To make finding the rule easier, ODA proposes to add "Assisted living program (state-funded component)" to the beginning of the rule's title.

(2) ODA proposes to replace "may" with "shall" in paragraph (A). Although providers have an option on whether or not to apply, they do not have an option on the rule regulating the application process for provider certification.

(3) ODA proposes to use standard terminology by deleting the definition of "assisted living provider" and, instead, using "RCF" (which will be defined in 173-38-01 instead of this rule) in place of "person or entity."

- 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.**

Not Applicable

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

The proposed adoption of this new rule would have no impact upon RCFs, especially because the new rule would replace a substantially similar rule ODA is simultaneously proposing to rescind.

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

The proposed adoption of this new rule would have no impact upon RCFs, especially because the new rule would replace a substantially similar rule ODA is simultaneously proposing to rescind.

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? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

The proposed new rule would continue to inform readers that RCFs wanting to participate in the Assisted-Living Program must be certified by ODA under ORC§173.391

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