

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

Agency Name

Division

Mike Laubert

Contact

**50 West Broad St. 9th Floor Columbus OH
43215-3363**

Agency Mailing Address (Plus Zip)

614-752-9677

Phone

614-466-5741

Fax

173-39-02.17

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Community transition services.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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

Bill Number: **HB66**General Assembly: **126**Sponsor: **Calvert**

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: **173.02, 173.391**

5. Statute(s) the rule, as filed, amplifies or implements: **173.39, and 173.391**

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

This rule is being proposed in an effort to implement the provider certification requirements found in sections 173.39 and 173.39.1 of the Revised Code. (With only the one exception found in section 173.39.2 of the Revised Code, section 173.39 of the Revised Code prohibits the Department of Aging from paying any person or government entity for providing community-based long-term care services under a program the Department administers unless the person or government entity has been certified by the Department or its designee under section 173.39.1 of the Revised Code.)

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 establishes the service specifications that must be met in order for a provider to be certified to provide Community Transition Services reimbursed through a program administered by the Department of Aging.

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:

First Revision 2/17/06

Replaced paragraph (A), which originally provided: "Community transition services are designed to assist eligible consumers with the costs associated with leaving a nursing facility to establish a residence in an assisted living facility licensed by the Ohio department of health as a residential care facility."

Amended paragraph (B) by replacing the words "means one move" with the words "is equal to an item purchased or deposit made"

Amended paragraph (C) by deleting the colon and adding paragraph (C)(1), as amended below, immediately following the word "include".

Amended paragraph (C)(1) by deleting the "(1)"; substituting the word "The" with the word "the"; inserting the words ", household supplies and incidentals essential to the health and welfare of the consumer and ordered in the assisted living care plan" immediately after the word "furnishings"; and moving the contents of the paragraph up to the end of paragraph (C), as amended above.

Deleted paragraph (C)(2).

Deleted paragraph (C)(3).

Replaced paragraph (E), which read "Prior to service delivery, a provider must obtain documentation from a consumer's case manager authorizing the provider's purchase of specific items on behalf of the consumer" with the words "Community transition services must be approved and authorized by the case manager, and items to be purchased must be described in the consumer's assisted living service plan".

Amended paragraph (G) by inserting the word "calendar" immediately following the word "sixty" and before the word "days"; replacing the words "an assisted living facility" with the words "the residential care facility"; replaced the words "all items purchased on the consumer's behalf" with the words "all items ordered in the consumer's assisted living service plan."

Amended paragraph (H) by replacing the words "include the date of any purchase made, the name of the vendor" with the words "include the date of each purchase made on behalf of the consumer, the name of the vendor"; inserted the words "or the consumer's authorized representative" immediately after the words "of the consumer" and immediately before the words "indicating receipt of".

12. 119.032 Rule Review Date:

(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

If adopted, the proposed rule will have no impact upon the Department of Aging's budget in the current biennium.

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

GRF 490-403, 3C4 490-607, 4J4 490-610, 4U9 490-602, GRF 490-422, and 3C4 490-622

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:

This rule outlines service specifications for providers wishing to receive reimbursement for the community-based long-term care services they provide through programs administered by the Department of Aging. Provider agencies certified to provide the services described in this rule will be reimbursed for their costs by the Ohio Department of Aging at a rate negotiated between the provider and the Department's designee. Participation by providers in the programs administered by the Department of Aging is voluntary and those providers for whom the cost of participation is too great are not required to participate. The Department of Aging does not anticipate that there will be any costs of compliance to directly affected persons in the event that this rule is adopted, aside from any possible start-up costs that a provider might incur prior to receiving certification.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	Yes	Yes

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Aside from the initial start up costs that may be incurred by a county, township or municipality to become certified as a provider, a county, township or municipality's participation as a provider in programs administered by the Department of Aging should be cost neutral.

As required under section 173.39 of the Revised Code, the attached rule outlines service specifications for providers wishing to participate as service providers in, and receive reimbursement under, programs administered by the Department of Aging. Counties, townships and municipalities wishing to be certified to provide the services described in the attached rule will necessarily incur administrative costs to become certified and to provide the services for which reimbursement is being sought, but participation in the program is voluntary. In addition, the Department of Aging reimburses all certified providers for their costs at a rate negotiated between the provider and the Department's designee. Counties, townships and municipalities for whom the costs of participation are determined to be too great are not required to participate in the programs administered by the Department.

The Department of Aging is unable to estimate the costs that a county, township or municipality might incur to become certified to provide the services described in the attached rule. The costs would necessarily vary from one provider to the next depending upon any number of factors including, but not limited to: region of the state, availability of workforce, public contract requirements, etc.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement,

please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

Please refer to the response provided above.

(a) Personnel Costs

Unknown

(b) New Equipment or Other Capital Costs

Unknown

(c) Operating Costs

Unknown

(d) Any Indirect Central Service Costs

Unknown

(e) Other Costs

Unknown

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The Department of Aging is unable to determine the ability of local governments to pay for the requirements imposed by this rule, but participation in programs administered by the Department of Aging is voluntary and counties, townships and municipalities providing the services described in this rule would be reimbursed by the Department of Aging at a rate negotiated between the provider and the Department's designee. Those local governments that cannot afford to participate as providers in programs administered by the Department are not required to do so.

7. Please provide a statement on the proposed rule's impact on economic development.

The availability of public benefits within a geographic area is one factor that attracts residents to a community. The community-based long-term care services funded by the Department not only provide those benefits, but they also enable older Ohioans to remain active and productive members of their communities. It is anticipated that the presence of active older Ohioans will have a positive impact upon the economic development of the communities in which they reside.