

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

Agency Name

Division

**Tom Simmons**

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**173-39-02.17**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Community transition service.****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? **No**

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, 173.391**

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

This rule is being proposed to correspond with the language of a current request for an amended waiver from the Medicaid program to provide assisted living services that is being requested by ODJFS.

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 proposed new rule defines a community transition service and the unit of

assisted living service. It also determines the conditions required for ODA to pay for a community transition service. This rule is being proposed for adoption while, simultaneously, a similar rule of the same number is being proposed for rescission.

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:

On November 15, 2007, this proposed new rule was revised with the following changes:

\* In paragraph (A)(2), "informal or formal" was replaced by "formal or informal" and "those that are" was replaced by "that which is."

\* In paragraph (D)(3), "form" was replaced by "from."

\* This RSFA was updated.

On November 30, 2007, this proposed new rule was revised with the following changes:

\* In paragraph (A), "may" was deleted as it occurred between "expenses" and "include" in the seventh line of the paragraph.

\* In paragraph (C), "currently" was removed as it occurred between "is" and "an."

\* This RSFA was updated.

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

ODA does not anticipate that the adoption of this proposed new rule, which is being proposed to replace a similar rule of the same number, will have any impact upon the biennial budget for ODA that was established by the Ohio General Assembly.

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

GRF-490-422 Assisted Living Waiver.

3C4-490-622 Assisted Living-Federal.

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:

ODA estimates that there will be no cost of compliance to directly-affected persons

associated with the adoption of this proposed new rule, since this rule is being proposed to replace a similar rule of the same number and since the definition of "community transition service" in this proposed new rule could decrease the cost to a facility because it is being proposed to include "activities to arrange for and procur." Currently, a provider is only reimbursed for the cost of the item, not the time to purchase, set-up, etc.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

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