

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-39-02.22

**Rule Type:** New

**Rule Title/Tagline:** ODA provider certification: waiver nursing service.

**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, 173.52, 173.522
5. What statute(s) does the rule implement or amplify? 173.39, 173.391, 173.52, 173.522; 42 C.F.R. 441.352
6. What are the reasons for proposing the rule?

The Ohio Department of Medicaid (ODM) proposes to incrementally adopt one chapter of rules (OAC Chapter 5160-44) that will become the single set of service standards for providers serving individuals through all Medicaid waiver programs operated by the Ohio Department of Aging (ODA) and ODM. This is part of ODM's larger strategy to develop a uniform set of rules to benefit providers who serve individuals enrolled in multiple Medicaid waiver programs.

- 7. 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 requirements for ODA-certified providers of waiver nursing. ODA's proposed new rule will require ODA-certified providers of waiver nursing to comply with (1) the requirements in 173-39-02 for every certified provider (e.g., conducting background checks and complying with state and federal laws and regulations governing individuals' confidentiality) and (2) specific requirements for providing waiver nursing in ODM's proposed new 5160-44-22 (e.g., service verification). For more information on ODM's proposed new rule, please review ODM's rule and RSFA.

- 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

ODA estimates the adoption of this proposed new rule will have no effect upon the biennial budget the Ohio General Assembly established for ODA in HB49 (132nd G.A.).

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

ODA estimates there is no cost of compliance associated with adopting this new rule to replace a rule of the same number that ODA is simultaneously proposing to rescind. See ODM's RSFA for any cost of compliance associated with 5160-44-22

- 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? 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**