

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-02.7

Rule Type: Amendment

Rule Title/Tagline: ODA provider certification: home medical equipment and supplies.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 1/31/2019
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?

ODA reviewed this rule, as required at least once before each its 5-year deadline. ODA now proposes to make non-substantive updates to it.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes the requirements for ODA-certified providers of home medical equipment and supplies. ODA proposes to correct an incorrect cross-reference in

the rule. In response to a stakeholder comment, ODA proposes to add a statement to clarify that ongoing assistance is part of a unit of home medical equipment and supplies.

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 that the amendment of this rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA in H.B. 49 (132nd G.A.).

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

ODA estimates that the proposed amendment of this new rule will create no cost of compliance for any person or organization directly affected by it. For more information, please review ODA's responses to BIA questions #14 and #15.

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

(173-39-05 establishes the penalties for non-compliance with Chapter 173-39.)

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule establishes requirements, in addition to those in 173-39-02, for providers of home medical equipment and supplies to become, and to remain, certified by ODA. These include (1) providing ongoing assistance (i.e., customer service) for equipment provided to individuals, (2) upholding equipment warranties, (3) billing the PASSPORT Program only for portions of bills not covered by another liable insurer or program (e.g., Medicare), and (4) verifying the successful completion of deliveries.

For more information, please review ODA's responses to BIA questions #14 and #15.