

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

Agency Name

Division

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173-39-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Provider certification.**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, 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 lists the application materials which must be submitted by providers seeking certification as community-based long-term care providers, describes the process through which the various types of providers request and submit their applications, describes the responsibilities of the Department of Aging and its designees in the certification process and establishes certain timelines for the completion of those responsibilities, lists requirements that a certified provider must meet in order to maintain its certification, describes how a certified provider can obtain certification to provide additional services in the geographic area of the State in which the provider is already certified to provide certain services and to provide services in different geographic regions, lists conditions under which providers may have their certification immediately revoked.

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

Amended paragraph (C) by replacing the words "be certified as medicad providers" with the words "obtain medicaid provider agreements for ODA-administered long-term care services".

Amended paragraph (E)(3)(a) by deleting the words "within ten business days of the on-site certification review," immediately after the words "with all requirements," and immediately before the words "ODA's designee".

Amended paragraph (E)(3)(b) by deleting the words "within ten business days of the on-site certification review" immediately after the words "with all requirements" and immediately before the words "ODA's designee".

Deleted paragraph (F)(4), which read: "As applicable, maintain an active, valid medicad agreement as set forth in rule 5101:3-1-17.2 of the Administrative Code."

Amended paragraph (H)(1) by deleting the words "other than ODA" from the end of the rule.

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

Not Applicable

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, 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:

Providers wishing to be reimbursed for services provided through programs administered by the Department will necessarily incur costs when applying to the Department for certification. These costs will include the costs of obtaining, completing, and submitting the application and related materials. The department is unable to place a dollar figure on these costs given that they will vary from one provider to the next.

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.

Local governments that wish to become certified as community-based long-term care service providers will find it necessary to obtain, complete and submit application materials to the Department within certain stated timeframes listed in the rules. These governments will find it necessary to use existing or new staff persons to complete these tasks. The Department cannot estimate in dollars the cost of compliance with this rule because the costs will necessarily vary from one local government to the next.

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 discussion 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.

Participation by local governments as providers in programs administered by the Department of Aging is entirely voluntary. Once certification has been obtained, most of a local government's costs, if not all, will be reimbursed by the Department based upon a rate negotiated in advance between the local government and ODA's designee. Local governments that cannot afford to participate in the programs administered by the Department of Aging are not required to do so.

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

The Department of Aging is not aware of any impact the rule proposed rule would have on economic development.