

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-40-02

**Rule Type:** New

**Rule Title/Tagline:** PASSPORT program (state-funded component): individual eligibility requirements.

**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? 111.15
4. What statute(s) grant rule writing authority? 173.01, 173.02, 173.522
5. What statute(s) does the rule implement or amplify? 173.522
6. What are the reasons for proposing the rule?

This rule filing is part of 2 packages of rules ODA is filing on the same day. The rules in these packages regard eligibility and enrollment in the state- and Medicaid-funded components of the Assisted Living and PASSPORT Programs, the unified waiting list, and PACE. ODA is making many updates to these rules, but all are non-substantive.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule lists the eligibility requirements for the state-funded component of the PASSPORT Program.

The following differences exist between the current rule, which ODA simultaneously proposes to rescind, and this proposed new rule:

(1) Throughout this proposed new rule, ODA uses the following terminology in place of terminology used in the current rule: "the individual" not "he or she," "all financial eligibility requirements" not "the financial eligibility requirements," "records" not "documentation," "person-centered services plan" not "service plan," and "expeditiously" with "timely," plus deleting the unnecessary use of "who," "has," "had," and "that."

(2) The Ohio Dept. of Medicaid launched the Ohio Benefits Long-Term Services and Supports (OBLTSS) system in October, 2017 as the new way for applicants to seek enrollment in LTSS programs. As a result, ODA proposes to no longer mention forms ODA07200 and ODM02399 in this rule.

(3) ODA proposes to replace "patient liability" terminology with ODM's new "PETI" terminology.

(4) Only one individual remains on the state-funded component of the PASSPORT Program who qualifies to be on the program on the basis of a grandparented status. Because the individual is now too old to ever qualify for the Ohio Home Care Waiver program, ODA is proposing to delete requirements under paragraph (B)(2) of the current rule that have required the individual to apply for enrollment in the Ohio Home Care Waiver at least once per year and also delete "the Ohio home care program" from paragraph (B)(7) of the current rule. ODA considers this to be a non-substantive difference since, by age, it is no longer possible for the individual to ever qualify for the program.

(5) ODA proposes to replace "may" with "shall" in paragraph (C) of the current rule. The meaning of the paragraph remains the same.

**8. Does the rule incorporate material by reference? Yes**

**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.**

The forms ODA references in this proposed new rule are incorporated by reference in rule 173-40-01 of the Administrative Code. Please review the RSFA for that rule.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

On August 16, 2018, ODA made a revising filing of this rule to upload a revised public hearing notice and to revise this RSFA.

## **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 adoption of this new rule will not increase/decrease ODA's revenue from what the Ohio General Assembly appropriated to ODA for the biennium in Am. Sub. 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 this proposed new rule has no cost of compliance for any directly-affected person. It merely lists the eligibility requirements for the state-funded component of the PASSPORT Program. It does not require any person to take any action.

- 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? No**

- 16. Does this rule have an adverse impact on business? No**

- 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