

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

Agency Name

Division

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173-42-01

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**Enrollment process for PASSPORT home and
community-based services medicaid waiver program.****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: **Representative
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: **R.C. 173.02, R.C. 173.40, Section 206.66.64 of Am. Sub. H.B. 66 of the 126th General Assembly**

5. Statute(s) the rule, as filed, amplifies or implements: **R.C. 173.40, Section 206.66.64 of Am. Sub. H.B. 66 of the 126th General Assembly**

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

This rule is being proposed for adoption in an effort to implement section 206.66.64 of Am. Sub. H.B. 66 of the 126th General Assembly, which requires the

Department or its designees to give priority for enrollment in the PASSPORT Medicaid Waiver Program to eligible persons on waiting lists who live in nursing facilities.

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:

Rule 173-42-01 (To be Adopted) expounds upon the existing rule governing the enrollment process for the PASSPORT HCBS waiver program (OAC 5101:3-31-04); reflects the Department of Aging's use of waiting lists when the number of available slots has been met for the PASSPORT Medicaid HCBS Waiver Program; and implements section 206.66.64 of Am. Sub. H.B. 66 of the 126th GA by providing that the Department or its designees will give priority for enrollment in the PASSPORT Medicaid Waiver Program to eligible persons on waiting lists who live in nursing facilities.

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:

Not Applicable.

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 increase revenues.

\$22,000,000.00

It is estimated that the revenues of the Department may increase during SFY '06 through SFY '07 by approximately \$10 million in State Funds and \$12 million in Federal Funds.

To pay for the PASSPORT services received by nursing facility residents who are enrolled in the PASSPORT program, section 206.66.64 of Am. Sub. H.B. 66 of the 126th General Assembly authorizes/requires the transfer of certain funds from the Ohio Department of Job and Family Services' appropriations (ALI 600-525) into the Ohio Department of Aging's appropriations (ALI 490-403 and 490-607).

The funds transferred from the Department of Job and Family Services are funds that would otherwise be used by the Department of Job and Family Services to pay for services provided to residents in nursing facilities who are enrolled in the State's Medicaid program.

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

ALI 490-403 and ALI 490-607

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:

This rule modifies an existing process and it is not anticipated that it will create a cost of compliance to any directly affected persons.

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**