

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-42-06

Rule Type: Amendment

Rule Title/Tagline: PASSPORT program (medicaid-funded component): individuals' choices and responsibilities.

Agency Name: Department of Aging

Division:

Address: 246 N. High St. 1st floor Columbus OH 43215-2046

Contact: Tom Simmons **Phone:** 614-728-2548

Email: tsimmons@age.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 10/16/2020
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? 121.07, 173.01, 173.02, 173.52
5. What statute(s) does the rule implement or amplify? 173.52; 42 C.F.R. 441.352
6. What are the reasons for proposing the rule?

ODA reviewed this rule as part of a larger rule package that proposes to implement enduring changes related to social distancing and other matters.

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

This rule outlines an individual's (i.e., program enrollee's) choices and responsibilities in the Medicaid-funded component of the PASSPORT Program.

ODA proposes to amend paragraph (A)(1) of this rule to allow social distancing when ODA's designee meets with the individual to develop the individual's person-centered service plan.

- 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. 121.75, 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.**

ODA added a new paragraph (C)(1)(a) to the rule that requires the individual to complete form ODA1041. ODA also renumbered the existing paragraphs under paragraph (C)(1) of the rule.

ODA replaced "assist" with "help" in paragraphs (D)(1)(c) and (D)(1)(e) of this rule.

ODA deleted "with his or her efforts to" from paragraph (D)(1)(c) of this rule.

ODA deleted "to retain records that" from paragraph (D)(1)(e) of this rule.

ODA added the following to the end of paragraph (D)(1)(e) of this rule, but before the period: ", retain records on verified services, and provide (or give access to) those records to the participant-directed provider".

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

The proposed amendment to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (132nd G.A.).

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

ODA's proposed amendment to this rule will not create any cost of compliance for any directly-affected person or organization. Instead, it will provide flexibility that allows for social distancing.

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**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? No**
17. **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**
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable