

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-50-02

Rule Type: Amendment

Rule Title/Tagline: PACE: eligibility requirements.

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?** 8/14/2018
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, 173.50
5. **What statute(s) does the rule implement or amplify?** 173.50; 42 C.F.R. 460.150, 460.160
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 presents the eligibility requirements for enrolling into PACE.

ODA proposes to amend this rule to do the following:

- (1) Update an ODM rule number from 5160-3-06 to 5160-3-08.
- (2) Clarify that residing in a non-institutional setting is a requirement at the time of initial enrollment.
- (3) Update the terminology on "patient-liability costs" with ODM's new "PETI" terminology.
- (4) Convert paragraph (B) of this rule from a requirement for ODA to conduct annual assessments to a statement that a federal rule requires ODA to conduct the annual assessments. By citing the federal rule, ODA is not incorporating the federal rule into this rule. The federal rule would apply even if ODA did not mention it in this rule and ODA is not proposing to add requirements in this rule to what the federal rule requires.
- (5) In paragraph (B) of this rule, replace "the" with "this."
- (5) Delete unnecessary words from paragraph (C) of this rule.

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.**

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

if ODA adopts this rule as filed, ODA estimates there will be no increase/decrease in 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 there are no cost of compliance to any directly-affected person associated with this rule. It doesn't require any person to take any action. Instead, it presents the eligibility requirements for a person to enroll in PACE. Additionally, ODA's proposed amendments to the rule are all non-substantive amendments.

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