

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-50-02

Rule Type: New

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?** 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?** 119.03
4. **What statute(s) grant rule writing authority?** 121.07, 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 package updates ODA's PACE rules to comply with recent changes to federal PACE rules in 42 CFR Part 460. For more information, please review the business impact analysis (BIA).
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes the eligibility requirements for a person to participate in PACE. ODA proposes to adopt this rule to replace a rule of the same number that ODA proposes to simultaneously rescind.

This proposed new rule would differ from the current rule in the following ways:

1. ODA would reword and reorganize the new rule to comply with the June 3, 2019 amendments to 42 CFR 460.150.

2. ODA would replace "an intermediate level of care under rule 5160-3-05 of the Administrative Code or a skilled level of care under rule 5160-3-06 of the Administrative Code" in (B) with "a skilled level of care under rule 5160-3-08 of the Administrative Code."

For more information, please review the BIA.

- 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 made a revised filing of this rule to reschedule the public hearing and to upload a new public hearing notice into the Register of Ohio. In doing so, ODA did not make any revisions to this proposed new rule.

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 adoption of this new rule would not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

This proposed new rule would establish the enrollment requirements for PACE.

It may affect applicants to PACE because some would meet the requirements while others would not.

It may affect the income the PACE organization makes from premiums because some applicants would meet the requirements while others would not.

For more information, please review the BIA.

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? Yes

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