

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-50-03

Rule Type: Amendment

Rule Title/Tagline: PACE: enrollment process.

Agency Name: Department of Aging

Division:

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

Contact: Tom Simmons

Email: tsimmons@age.ohio.gov **Phone:** 614-728-2548

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, 460.160, 460.156, 460.154, 173.55; 42 C.F.R. 460.152, 173.501

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 establishes the enrollment process for persons wanting to enroll into PACE.

ODA proposes to amend the following:

- (1) Delete unnecessary words from paragraph (A)(2) of this rule.
- (2) No longer mention forms JFS07200, OD02398, or ODM02399 because ODM 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.
- (3) Use "all" instead of "the" in occurrences of "the eligibility requirements" throughout this rule.
- (4) Delete unnecessary usage of "that" throughout this rule.
- (5) Delete "fully" in paragraph (C)(6) of this rule from "fully completed," because "completed" conveys the same meaning without the extra word.
- (6) Clarify that the in-person assessment is only for determining non-financial eligibility requirements for PACE.
- (7) Replace "may" in paragraph (E) of this rule with "shall." In the current rule, ODA used "may" rather than require the department to enroll an individual on the waiting list because the individual may no longer meet all the eligibility requirements or may no longer want to enroll. Unfortunately, "may" makes it appear ODA has an option to not enroll a person who meet all the eligibility requirements and wants to enroll. Therefore, in the new rule, ODA proposes to use "shall," but also add "(if the individual continues to meet the eligibility requirements for PACE and continues to want to enroll in PACE)." The effect of this amendment will be the same as that of the current language, so this is not a substantive amendment.
- (8) Delete the requirements for the home first component of the Assisted Living Program, which repeat section 173.501 of the Revised Code, and instead just reference the requirements in that section.

All of the above amendments are non-substantive because they do not create any new requirements for persons, ODM's administrative agencies, or ODA's designees.

During the online public-comment period, ODA had proposed replacing "individual" with "applicant." ODA no longer proposes to do so.

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.

Not Applicable

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 that this rule has no cost of compliance to any directly-affected person other than to require persons seeking to enroll into PACE to apply for the program.

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**