

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-50-03

**Rule Type:** Rescission

**Rule Title/Tagline:** PACE: enrollment, plan of care, and reassessment.

**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? 3/18/2024
2. Is this rule the result of recent legislation? Yes
  - A. If so, what is the bill number, General Assembly and Sponsor? SB 9 - 134 - McColley, Roegner
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, 173.56
5. What statute(s) does the rule implement or amplify? 173.50, 173.501, 173.56; 42 C.F.R. 460.104, 460.106, 460.152, 460.154, 460.156, 460.158, 460.160.
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule exists to establish the following for PACE: the standards for enrollment, plans of care, reassessment, and continued enrollment.

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

This rule establishes the following for PACE: the standards for enrollment, plans of care, reassessment, and continued enrollment. ODA's proposal to amend this rule will result in amending approximately more than 50% of the rule, so ODA proposes to rescind the current version of this rule and to adopt a new rule in its place to comply with the 50% guideline in §4.3.1 of LSC's Rule Drafting Manual. For details, please review the business impact analysis (BIA) or the RSFA for the proposed new rule.

- 9. Does the rule incorporate material by reference? No**
- 10. 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*

- 11. 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**

- 12. 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

Rescinding this rule will have no impact upon the biennial budget that the General Assembly established for ODA in House Bill 33 (135th G.A.), especially because ODA proposes to simultaneously replace it with a similar proposed new rule.

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

This rule implicitly requires a person who wants to enroll in PACE to apply.

This rule requires the PACE organization to perform its intake responsibilities under federal law and its duties regarding the unified waiting list and home-first component of the program under state law.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. 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**

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? Yes
  - 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? Yes

This rule requires the PACE organization to (1) conduct a comprehensive assessment of each applicant, (2) enroll eligible applicants—either directly into the program or onto a waiting list, (3) develop a plan of care for each participant, and (4) reassess each participant at least semiannually.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

**A. How many new regulatory restrictions do you propose adding to this rule? 0**

**B. How many existing regulatory restrictions do you propose removing from this rule? 18**

1. (B)(2) ODM's administrative agency and the PACE organization SHALL coordinate efforts regarding the enrollment process.

2. (C)(2) The PACE organization SHALL conduct a comprehensive assessment (by telephone, video conference, or in person) of the applicant's....

3. (C)(2)(a) After the application is received, ODM's administrative agency SHALL determine if the applicant meets all financial eligibility requirements for medicaid in Chapters 5160:1-1 to 5160:1-6 of the Administrative Code.

4. (C)(2)(b) If ODM's administrative agency determines the applicant does not meet all financial eligibility requirements, it SHALL send a notice....

5. (C)(2)(b) It SHALL also send a notice of denial to ODA and the PACE organization.

6. (C)(3) After completing the assessment, the PACE organization SHALL provide the information from its assessment to ODA.

7. (C)(4) After receiving the information, ODA SHALL determine if the applicant meets all eligibility requirements in rule 173-50-02 of the Administrative Code.

8. (C)(5)(a) ODA SHALL notify the PACE organization of its determination.

9. (C)(5)(b) Once the PACE organization receives the determination form ODA, it SHALL notify the applicant....

10. (C)(5)(c) In order to be enrolled into the program, the applicant SHALL sign the enrollment agreement with the PACE organization

11. (C)(6)(b) ODA SHALL provide the applicant (or the authorized representative) with a notice of denial and appeal rights under section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

12. (E) The PACE organization SHALL do all of the following for any participant enrolled into PACE:

13. (E)(1) The PACE organization SHALL collaborate with the participant to develop a plan of care for the participant that includes all of the following:

14. (E)(2) The PACE organization shall implement, coordinate, and monitor the participant's plan of care.

15. (E)(3)(a) At least semiannually, or more often if the participant's condition dictates or if requested by the participant or the participant's authorized representative, the IDT SHALL conduct a comprehensive assessment....

16. (E)(3)(b) If the comprehensive assessment in paragraph (E)(3)(a) of this rule indicates a need to revise the plan of care, the IDT SHALL collaborate with the participant to revise the plan of care.

17. (E)(3)(c) The PACE organization SHALL provide at least one of the semiannual comprehensive assessments....

18. (E)(3)(d)(ii) The participant has complex medical conditions that REQUIRE continual clinical oversight on a weekly basis by the IDT to remain medically stable.

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable