

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-50-04

Rule Type: New

Rule Title/Tagline: PACE: voluntary disenrollment.

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. 460.162, 460.166, 460.172, 460.210
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 proposed new rule would establish the process for involuntary disenrollment from PACE. ODA proposes to adopt this new 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 because ODA would reword and reorganize it to comply with the June 3, 2019 amendments to 42 CFR 460.162. 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.**

Not Applicable

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 process for involuntary disenrollment from PACE.

It may affect PACE participants who voluntarily decide to disenroll from the program.

It may affect the income the PACE organization makes from premiums by processing disenrollments from the program for participants who voluntarily decide to disenroll.

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? 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? 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? Yes**

This proposed new rule would require the PACE organization to (1) forward any voluntary disenrollment form completed by a participant to ODA, (2) create a discharge plan, and (3) provide medical records of a disenrolling participant to the participant's new providers.

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? Yes

A. How many new regulatory restrictions do you propose adding? 4

(B) [in new rule] The PACE organization SHALL ensure its employees or contractors do not engage in any practice that would reasonably be expected to have the effect of steering or encouraging disenrollment of participants due to a change in health status.

(C)(7) [in new rule] After receiving a signed document from the PACE organization, ODA SHALL enter the disenrollment request in the ODA- and ODM-approved eligibility systems.

(E) [in new rule] Before disenrollment, the PACE organization SHALL initiate a discharge plan for each participant who is voluntarily disenrolled.

(E) [in new rule] In each discharge plan, it SHALL state how it plans to do the following:

B. How many existing regulatory restrictions do you propose removing? 1

(B)(5) [in rule to rescind] Once ODA receives a signed disenrollment form, it SHALL chose a date of disenrollment occurring no earlier than the date on which the signed disenrollement form was received by the PACE organization and no later than the first day of the month after the month during which the PACE organization forwards the disenrollment form to ODA.