

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-50-05

**Rule Type:** New

**Rule Title/Tagline:** PACE: involuntary disenrollment.

**Agency Name:** Department of Aging

**Division:**

**Address:** 30 E Broad St. 22nd Floor Columbus OH 43215-3414

**Contact:** Tom Simmons **Phone:** 614-202-7971

**Email:** tsimmons@age.ohio.gov

#### 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. 460.164, 460.166, 460.172, 460.210
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 will exist to establish the Ohio-specific standards for a participant's involuntary disenrollment from PACE.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes the Ohio-specific standards for a participant's involuntary disenrollment from PACE. ODA proposes to adopt this new rule to replace the current version of this rule, which ODA simultaneously proposes to rescind. In doing so, ODA proposes to achieve the following:

- Tailor this rule to list only Ohio-specific standards. This involves citing 42 CFR 460.164(b) rather than restate it in this rule and indicating that the PACE organization is subject to the involuntary disenrollment process in 42 CFR 460.164 rather than restate that process in this rule.
- Eliminate Medicaid fraud as a reason for involuntary disenrollment since 42 CFR 460/164(b) does not list Medicaid fraud as a reason for involuntary disenrollment.
- No longer require the PACE organization to submit the participant's utilization profile to ODA when requesting permission to disenroll the participant.
- Make additional non-substantive changes to improve this 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 the current version of this rule to replace it with a proposed new version will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in House Bill 33 (135th GA).

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

For detailed information, please review ODA's responses to questions #15, #16, and #17 of the BIA.

**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? Yes**

For detailed information, please review ODA's responses to questions #15, #16, and #17 of the BIA.

**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 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? No**

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable