

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-50-05

Rule Type: Rescission

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?** Yes
 - A. **What is the rule's five year review date?** 4/15/2024
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 exists 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 rescind this rule and to simultaneously replace it with a proposed new rule. Please review the RSFA for the proposed new rule for a list of differences between this rule and 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 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? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

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

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? 9

1. (A) Unless restricted from doing so by CMS, the PACE organization SHALL involuntarily disenroll a participant from PACE for one or more of the following reasons:

2. (A)(3)(b) The PACE organization SHALL only involuntarily disenroll a participant for the participant's or caregiver's disruptive or threatening behavior if the PACE organization retains the following in the participant's medical record:

3. (B)(2) In the time between the request and ODA's decision, the PACE organization SHALL continue to provide necessary services to the participant.

4. (B)(5)(b) The PACE organization shall notify the participant in writing of the last day of enrollment.

5. (B)(5)(c) The PACE organization SHALL continue to provide for the necessary services to the participant through the last day of enrollment.

6. (B)(5)(d) The participant SHALL continue to obtain necessary services through the PACE organization...

7. (B)(5)(d) ...and SHALL continue to remain liable for any premiums or post-eligibility treatment of income costs incurred through the last day of enrollment.

8. (B)(5)(e) Before disenrollment, the PACE organization SHALL initiate a discharge plan for each participant who is involuntarily disenrolled.

9. (B)(5)(e) In each discharge plan, it SHALL state how it plans to do the following:

- 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