

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-51-03

**Rule Type:** New

**Rule Title/Tagline:** Assisted living program (state-funded component): Disenrollment and other adverse actions.

**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?** 111.15
4. **What statute(s) grant rule writing authority?** 173.01, 173.02, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.543
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 proposed new rule will establish the enrollment process for the state-funded component of the Assisted Living Program.

Compared to the current rule, which ODA simultaneously proposes to rescind and replace with this proposed new rule, this proposed new rule contains the following differences:

(1) This proposed new rule uses the following updated terminology: "individual" not "consumer," "requirements" not "criteria," "requirement" not "criterion," "all...eligibility requirements" not "the...eligibility criteria," "ODA or its designee" not "ODA (or ODA's designee)," "in fewer than thirty days" not "on or before the thirtieth day," and "according to" not "in accordance with." ODA additionally proposes to eliminate unnecessary occurrences of "that," "who is," and "has."

(2) This proposed new rule uses updated references to ODM rules.

(3) This proposed new rule uses ODA's updated mailing address.

(4) This proposed new rule uses ODM's new "PETI" terminology.

(5) This proposed new rule replaced "...will proceed with a final order that contains findings" in paragraph (D)(4) of the current rule with "shall issue a final order of adjudication adopting the allegations contained in the original notice" in the same paragraph of the proposed new rule.

(6) This proposed new rule explains why an individual would be disenrolled from the state-funded component for either a determination of meeting or not meeting the eligibility requirements for the Medicaid-funded component of the Assisted Living Program. The proposed new rule added the following helpful note to paragraph (A) (2) of this rule: "(If an individual meets all requirements for the medicaid-funded component of the assisted living program, the individual would be enrolled into the medicaid-funded component of the program and no longer remain in the state-funded component.)"

None of the differences between the proposed new rule and the current rule are substantive.

8. **Does the rule incorporate material by reference? Yes**
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.**

This rule mentions forms, the names of which rule 173-51-01 of the Administrative Code defines, incorporates by reference, and shows readers where to find on ODA's website free of charge.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

On August 16, 2018, ODA made a revising filing of this rule to upload a revised public hearing notice and to revise this RSFA.

## **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

After this rule filing takes effect, 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.), especially because it is substantially-similar to the current rule it will replace.

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

ODA estimates that this rule will have no cost of compliance to any directly-affected person other than to require individuals seeking to enroll into the state-funded component of the Assisted Living Program to apply for the program. It does not require individuals not seeking to enroll to apply.

- 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**