

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3304-2-52

Rule Type: Amendment

Rule Title/Tagline: Least cost, use of comparable benefits, participant contribution, and fees for services.

Agency Name: Opportunities for Ohioans with Disabilities

Division:

Address: 150 E. Campus View Blvd. Suite 300 Columbus OH 43235

Contact: Rick Schanz **Phone:** (614) 545-8964

Email: Rick.Schanz@ood.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 3/27/2027
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?** R.C. 3304.16(C), 3304.15(D)
5. **What statute(s) does the rule implement or amplify?** R.C. 3304.15(D)
6. **What are the reasons for proposing the rule?**

OOD is proposing changes to the Appendix of 3304-2-52 (Least cost, use of comparable benefits, consumer contributions, and fees for services) to be able to meet the needs of individuals with disabilities through increasing the rates for providers, adding new services to the fee schedule and adding clarifying language to the service descriptions.

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

OOD is proposing changes to 3304-2-52 (Least cost, use of comparable benefits, consumer contributions, and fees for services). OOD is proposing changes to the Vocational Rehabilitation (VR) Provider Fee Schedule, which is found in Appendix A of 3304-2-52. Proposed changes involve increasing rates for services and adding clarifying language to the VR Fee Schedule service descriptions. Additional services are also being proposed to meet the needs of individuals with disabilities. The body of the rule is not being amended, only the Appendix. The Appendix provides the rates for services that OOD would pay its providers in furtherance of meeting the needs of individuals with disabilities to find and maintain employment.

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 increase expenditures.

\$3.43 million

The VR Fee Schedule establishes minimum standards for the quality of services being provided and billed. The VR Fee Schedule provides consistency in payments and the type of services being provided. Expenditures for these services totaled approximately \$63 million for Federal Fiscal Year 2021. The amendments/increases to the VR Fee Schedules provide an estimated additional \$3.43 million in service investment per year when considering all rate increases and additional services included.

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

The time for the vocational rehabilitation provider to complete a report of service will vary with the nature and extent of the VR services provided to the eligible individual with a disability, but it is a routine office procedure that VR providers are experienced in performing for many insurance payers or other state agencies. Additionally, since the last major VR Fee Schedule update, OOD has implemented an electronic bill payment portal (The AWARE Vendor Portal) which makes it easier for providers to submit, track, and resubmit payments. OOD has also worked with providers to streamline reporting requirements to reduce administrative time and maximize services to individuals with disabilities. The adverse impact of completing this paperwork is offset by the fact that the VR provider will receive payment from OOD for the services. Built into each rate is a portion of the cost allocated to report writing and bill submission.

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?** Yes

Vocational rehabilitation providers must meet the qualifications provided for in OAC 3304-2-53.
 - 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

The expenditures are related to vocational rehabilitation providers providing services to meet the needs of individuals with disabilities and the costs of completing reports. VR providers must complete a report of service in order to receive payment from OOD for the services. Built into each rate is a portion of the cost allocated to report and bill submission.

- 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 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?** 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

Rule Summary and Fiscal Analysis Part A – General Questions

Rule Number: OAC 3304-2-52

Rule Type: Amendment to the Appendix

Rule Title/Tagline: Least cost, use of comparable, benefits, participant contribution, and fees for services.

Agency Name: Opportunities for Ohioans with Disabilities (OOD)

Division: Bureau of Vocational Rehabilitation (BVR)

Address: 150 E. Campus View Blvd., Ste. 300, Columbus, Ohio 43235

Contact: Rick Schanz **Phone:** (614) 545-8964

Email: Rick.Schanz@ood.ohio.gov

I. Rule Summary

1. Is this a five year rule review?

No.

A. What is the rule's five year review date?

3/27/2027

2. Is this rule the result of recent legislation?

No.

A. If so, what is the bill number, General Assembly and Sponsor?

Not applicable.

3. What statute is this rule being promulgated under?

R.C. 119.03

4. What statute(s) grant rule writing authority?

R.C. 3304.16(C), 3304.15(D)

5. What statute(s) does the rule implement or amplify?

R.C. 3304.15(D)

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?

No applicable.

7. What are the reasons for proposing the rule?

OOD is proposing changes to the Appendix of 3304-2-52 (Least cost, use of comparable benefits, consumer contributions, and fees for services) to be able to meet the needs of individuals with disabilities through increasing the rates for providers, adding new services to the fee schedule and adding clarifying language to the service descriptions.

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

OOD is proposing changes to 3304-2-52 (Least cost, use of comparable benefits, consumer contributions, and fees for services). OOD is proposing changes to the Vocational Rehabilitation (VR) Provider Fee Schedule, which is found in Appendix A of 3304-2-52. Proposed changes involve increasing rates for services and adding clarifying language to the VR Fee Schedule service descriptions. Additional services are also being proposed to meet the needs of individuals with disabilities. The body of the rule is not being amended, only the Appendix. The Appendix provides the rates for services that OOD would pay its providers in furtherance of meeting the needs of individuals with disabilities to find and maintain employment.

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.**

The VR Fee Schedule establishes minimum standards for the quality of services being provided and billed. The VR Fee Schedule provides consistency in payments and the type of services being provided. Expenditures for these services totaled approximately \$63 million for Federal Fiscal Year 2021. The amendments/increases to the VR Fee Schedules provide an estimated additional \$3.43 million in service investment per year when considering all rate increases and additional services included.

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

The time for the vocational rehabilitation provider to complete a report of service will vary with the nature and extent of the VR services provided to the eligible individual with a disability, but it is a routine office procedure that VR providers are experienced in performing for many insurance payers or other state agencies. Additionally, since the last major VR Fee Schedule update, OOD has implemented an electronic bill payment portal (The AWARE Vendor Portal) which makes it easier for providers to submit, track, and resubmit payments. OOD has also worked with providers to streamline reporting requirements to reduce administrative time and maximize services to individuals with disabilities. The adverse impact of completing this paperwork is offset by the fact that the VR provider will receive payment from OOD for the services. Built into each rate is a portion of the cost allocated to report writing and bill submission.

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?

The adverse impact includes the continued requirement that the VR providers must complete services and reports as defined in 3304-2-52 Appendix A in order to be paid by OOD. The Fee Schedule sets a minimum level of requirements to ensure consistency and quality services to individuals with disabilities and the cost of completing these reports are built into the rates.

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?

Yes.

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.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business to 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.