

Rule Summary and Fiscal Analysis (Part A)**Opportunities for Ohioans with Disabilities**

Agency Name

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Division

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3304-2-52**NEW**

Rule Number

TYPE of rule filing

Rule Title/Tag Line

**Least cost, use of comparable benefits, participant contribution,
and fees for services.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **3304.15(C)(1), 3304.15(D)**
5. Statute(s) the rule, as filed, amplifies or implements: **3304.15(D)**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

OOD is required by 34 CFR 361.50 to establish and maintain written policies to govern the rates of payment for all purchased vocational rehabilitation services. OOD's proposed changes to the rule enhances services for Ohioans with disabilities by allowing service providers to hire and retain qualified staff and for increased business expenses for providers. These changes were based on the Employer Cost Index (ECI) and service provider feedback.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Fee adjustment for services includes a 6.5 percent increase on vocational rehabilitation services, except Performance Based and Supported Employment Job Development

Services. Those two services are proposed to increase by 8 percent. OOD is adding four services (Activities of Daily Living, Orientation and Mobility, Rehabilitation Technology, and Pre-Employment Transition Services) from a contract model to the Fee Schedule. Several new service rates incentivize more efficient service delivery. Rates have also been enhanced for providers who hold advanced certification and/or licenses. Rates for group services have been adjusted to increase compensation for services in groups of 2, 3, and 4 individuals.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase expenditures.

\$6.1 million per year

The net impact of the proposed change is a \$12 million increase in OOD's case services budget over the biennium with \$4 out of every \$5 provided by federal funds.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Payments to providers for vocational rehabilitation services are made from a variety of state and federal funds. They include:

- a. GRF - ALI 415506, Services for Individuals with Disabilities
- b. Fund 4670 – 415618, Third Party Funding
- c. Fund 4L10 – 415619, Services for Rehabilitation
- d. Fund 3790 – 415616, Federal – Vocational Rehabilitation
- e. Fund 3L40 – 415615, Federal – Supported Employment
- f. Fund 3L10 – 415608, Social Security Special Program Assistance

15.

Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The current Fee Schedule has reporting requirements for services that are necessary for OOD to make case decisions, keep documentation of services, and evaluate service quality. The Fee Schedule update does not propose any significant change in reporting requirements.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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**