

Rule Summary and Fiscal Analysis (Part A)**Department Of Job And Family Services**

Agency Name

Division Of Social Services

Division

Beth Vogel

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5101:2-44-05.1

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**Covered families and children (CFC) medicaid eligibility:
special needs children.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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: **5111.01, 5111.011**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.011, 5101.141**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed to clarify and implement federal regulations regarding medicaid eligibility for children receiving state adoption subsidies. It is replacing a rule of the same number. The rescinded rule 5101:2-44-05.1 is being rescinded under section 111.15 of the Revised Code.

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:

This rule sets forth the eligibility process for referrals for medicaid for a child who is a recipient of a state adoption subsidy. This rule is replacing current 5101:2-44-05.1. It has been renamed and it includes new requirements that the PCSAs determine if a child has a special need for medical, mental health or rehabilitative care at the time of adoptive placement due to a medical necessity. Paragraph (C)(3) is added to comply with federal and state statutes. The rule outlines the CFC Medicaid eligibility criteria for all state adoption subsidy agreements entered into on or after July 1, 2004. It also outlines the county department of job and family services' responsibilities when determining Medicaid eligibility for an adopted child who is a recipient of a state adoption subsidy agreement.

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:

Rule authority and amplification citations updated to current revised code language.

Paragraph (C)(3)(a) has been modified to include a general statement regarding the child having a medical necessity which makes him/her a special needs child for medical, mental health, or rehabilitative care. Paragraph (C)(3) now references the JFS 01449 "Determination of Special Needs for Medical, Mental Health or Rehabilitative Care."

Paragraph (D)(3) has been removed from the rule.

12. 119.032 Rule Review 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 have no impact on revenues or expenditures.

\$0.00

Not Applicable.

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

Not Applicable.

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:

Families who adopt after the effective date of this rule will not have categorical eligibility for medicaid. Current recipients will continue at the current level of benefits as determined by the county department of job and family services.

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**