

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-49-19

**Rule Type:** Amendment

**Rule Title/Tagline:** Title XIX medicaid coverage for Title IV-E adoption assistance (AA) eligible children (COBRA).

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 2/6/2024
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?** 5101.141
5. **What statute(s) does the rule implement or amplify?** 5101.11
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 is proposed for amendment as a result of a five-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Administrative Code (OAC) rule 5101:2-49-19 entitled "Title XIX Medicaid Coverage for Title IV-E Adoption Assistance (AA) Eligible Children (COBRA)" outlines the procedures to follow for provisions of Title XIX medical coverage for children eligible for Title IV-E adoption assistance. Revision dates were stricken from the rule.

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

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

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

Not Applicable.

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

No new cost.

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? No**

18. **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**

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?** 11

5101:2-49-19(B) Pursuant to RC 121.95(F). The public children services agency (PCSA) shall inform the adoptive parent(s) that he or she shall notify the PCSA within fifteen calendar days after moving to another county or state.

5101:2-49-19(C) Pursuant to RC 121.95(F). The parent(s) shall cooperate with the PCSA to assure that a move out-of-state complies with any applicable interstate requirements. Failure to notify the PCSA may result in the interruption of Title XIX medical coverage.

5101:2-49-19(D) Pursuant to RC 121.95(F). For a child with an AA agreement in effect who moves or resides out-of-state, the following shall apply:

5101:2-49-19(D)(1) Pursuant to RC 121.95(F). Within seven business days after the PCSA is notified by the adoptive parent(s) that the AA eligible child is moving to or residing in another state, the PCSA shall transfer Title XIX medical coverage to the state of residence by:

5101:2-49-19(D)(1)(b) Pursuant to RC 121.95(F). Providing written notification to the adoptive parent(s) of Ohio's intent to terminate the Title XIX medical coverage. Notification shall, at a minimum, include all of the following:

5101:2-49-19(D)(2) Pursuant to RC 121.95(F). Upon notification of any change that would affect the medicaid status, the PCSA shall, within seven business days, complete and forward the ICAMA form 7.5 "Information Exchange" (rev. 1/2015) which can be found at: <https://aaicama.org/cms/index.php/the-aaicama/new-icama-forms/icama-forms> to the ODJFS ICAMA state administrator.

5101:2-49-19(D)(3) Pursuant to RC 121.95(F). No less than annually, the PCSA shall provide the responsible Title XIX medical authority in the state where the child resides with written verification that the child meets the continuing eligibility requirements for medicaid. If the PCSA determines the child does not meet the continuing eligibility requirements, within twenty business days the PCSA shall:

5101:2-49-19(D)(3)(b) Pursuant to RC 121.95(F). Provide written notification of the date Title XIX medical coverage shall be terminated to the responsible Title XIX medical authority in the state in which the AA eligible child resides.

5101:2-49-19(E) Pursuant to RC 121.95(F). For a child with an out-of-state AA agreement in effect who moves to or resides in Ohio, the following shall apply:

5101:2-49-19(E)(2) Pursuant to RC 121.95(F). The PCSA shall, within twenty business days after being notified by the ODJFS ICAMA administrator take the following actions to activate Title XIX medical coverage:

5101:2-49-19(E)(3) Pursuant to RC 121.95(F). The PCSA shall maintain a separate case record for each AA eligible child who resides in Ohio. The case record shall contain all of the information required in paragraph (D) of this rule for all children with AA agreements in effect who move to or reside in Ohio.

- 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