

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

Agency Name

**Division of Medical Assistance**

Division

**Mike Lynch**

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**5101:3-1-06.4**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Home and community-based services (HCBS) waivers: choices.****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? **Yes**

Bill Number: **HB59**General Assembly: **130**Sponsor: **Amstutz**

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: **5111.85**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.85, 173.403**

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

This rule is proposed for amendment to update reimbursement policy relating to the administration of the Choices waiver program.

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 maximum reimbursement amounts paid to providers furnishing waiver services to Choices waiver consumers. Changes to this rule include:

Paragraph (A) has been revised to clarify that the Ohio Department of Medicaid (ODM) enters into an interagency agreement with the Ohio Department of Aging for the administration of the Choices program. The paragraph has also been amended to update the Ohio Revised Code reference to ODM's authority to enter into the interagency agreement.

Paragraph (B) has been revised to correct an Ohio Administrative Code rule citation;

In paragraph (B)(2) the effective date of the rates is changed to September 27, 2013;

In paragraph (B)(3) a clarification is made to ensure all applicable provisions of rule 5101:3-1-60 apply to Choices reimbursement; and

Appendix A to this rule is amended to increase the maximum reimbursement rates paid for Choices waiver services.

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 rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. 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 references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

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:

N/A

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. 119.032 Rule Review Date: **9/1/2016**

(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.

\$380,000.00

The rate increases in the proposed rule amendment will increase agency expenditures by approximately \$380,000.00 (all funds or \$140,000.00 state share) over the biennium; however sufficient funding was appropriated during the legislature's budget deliberations to cover the increase cost to the state.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure

necessitated by the proposed rule:

ALI 651525

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:

No new costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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? **No**

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**

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	Yes	Yes

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Not applicable. The proposed rule change increases maximum reimbursement rates paid by the State to Choices waiver providers. The proposed rule makes no change in process or regulations resulting in a cost of compliance. Providers will benefit from the increased reimbursement in the proposed rule.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The rule change requires no new comprehensive costs.

**(a) Personnel Costs**

The rule change requires no new personnel costs.

(b) New Equipment or Other Capital Costs

The rule change requires no new capital costs.

(c) Operating Costs

The rule change requires no new operating costs.

(d) Any Indirect Central Service Costs

The rule change requires no new central service costs.

(e) Other Costs

The rule change requires no other costs.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

Not applicable. The proposed rule change increases maximum reimbursement rates paid by the State to Choices waiver providers. The proposed rule makes no change in process or regulations resulting in a cost of compliance.

7. Please provide a statement on the proposed rule's impact on economic development.

Not applicable. The proposed rule change increases maximum reimbursement rates paid by the State to Choices waiver providers. The proposed rule makes no change in process or regulations resulting in a cost of compliance.