

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

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

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5101:3-1-17.4

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Length and type of provider agreements.**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: **HB119**General Assembly: **127**Sponsor: **Representative
Dolan**

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: **5111.02, 5111.028**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.02, 5111.028**

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

As a result of Am. Sub. HB 119, 127th General Assembly, this rule has been rewritten and proposed as a new rule to replace a rescinded rule of the same number.

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 describes the effective date of a Medicaid provider agreement, the types of Medicaid provider agreements (open-ended and time-limited), and the length of time a Medicaid provider agreement is effective. The rule includes definitions of the types of provider agreements (open-ended and time-limited), new language regarding the conversion from provider agreements without a time limit to provider agreements with a time limit, and the types of providers (nursing facilities and intermediate care facilities for the mentally retarded) that are not subject to the conversion to a time-limited provider agreement. Also, the rule provides that ODJFS shall create a process to convert open-ended provider agreements to time-limited provider agreements and create a process for re-enrollment with ODJFS for when a time-limited agreement expires and the provider wants to extend their agreement and the consequences of failure to re-enroll in the time and manner required by ODJFS.

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 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).

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).

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:

Not applicable.

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:

This rule is being revised filed as a result of written comments received from the Ohio Provider Resource Association (OPRA) as well as face to face meetings with OPRA. Clarifying language has been added to the following paragraphs.

Language added to paragraph (C)(5) includes, The length of time-limited agreements may vary by provider type but will be consistent for all providers within like provider types. ODJFS may change the length of time-limited agreements by provider type and the length of these agreements may change or vary upon the discretion of ODJFS.

Language added to paragraph (D)(2) includes, Providers are expected to meet all conditions for participation as an eligible provider that are in effect in section 5101:3 of the Administrative Code at the time of re-enrollment.

New paragraph (D)(7) has been added to address delays in licensure, certification, accreditation, or registration by no fault of the provider. The added language includes paragraphs (D)(7)(a) and (b) as follows:

(D)(7) If a provider files an application for re-enrollment in the time and manner required, as specified in this rule, but has not been able to obtain a renewal of its licensure, certification, accreditation, or registration due to a delay in processing by an official, board, commission, department, division, bureau or other agency of state or federal government:

(a) ODJFS shall not deny the application for re-enrollment or deny payment of services if the provider has included documentation with the re-enrollment application that the licensure, certification, accreditation, or registration has been delayed for processing by an official, board, commission, department, division, bureau or other agency of state or federal government; and

(b) When the decision is made by an official, board, commission, department, division, bureau or other agency of state or federal government to approve or reject an application for renewal of required licensure, certification, accreditation, or registration, the provider is obligated to notify ODJFS within thirty days in accordance with rule 5101:3-1-17.2 of the Administrative Code.

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

This proposed rule will not change the agency's projected budget during the current biennium.

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:

The department is unable to estimate cost of compliance due to the variance of administrative costs that the provider may incur when completing the required re-enrollment process to extend their provider agreement.

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**