

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

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

Contact

**30 E Broad St 31st Floor ODJFS Office of Legal
Services Columbus OH 43215-3414**

Agency Mailing Address (Plus Zip)

614-466-4605

Phone

614-752-8298

Fax

5101:3-12-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Home health services: provision requirements, coverage and
service specification.****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: **5111.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.02, 5111.021**

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

The rule is being amended at the request of stakeholders, including Ohio Department of Job and Family Services Bureau of Child Care and Development, consumers, and sister agencies, to enable children with medically-complex conditions to receive medical care in a regulated child care center, and a natural environment where early intervention (EI) services are provided. This amendment is intended to reduce the isolation that homebound children may experience while at the same time allowing their parents to return to work or school. Also, this rule is being amended at the request of stakeholders to clarify language of paragraph (C)

that only the treating physician can determine medical necessity.

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 provisions for home health service requirements, coverage, and specifications.

Changes include adding a regulated child care center, and a natural environment where early intervention (EI) services are provided as a place of service where Medicare certified home health agencies (MCRHHAs) can provide home health services, adding that home health aides and skilled therapy providers can only provide services that are medically necessary in accordance with rule 5101:3-1-01 of the Administrative Code, and removing the language that allowed a hospital discharge planner or registered nurse acting under the order of the treating physician to certify the consumers medical need. The title of JFS 07137 was also changed to reflect the correct title.

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 ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any date incorporation by reference to the CFR because such reference is exempt from compliance with ORC 121.71 to 121.74 in accordance with the ORC 121.75(D).

This rule incorporates one or more dated references to and ODJFS form. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the "Infor Center" link on the ODJFS web site (<http://jfs.ohio.gov/>)in accordance with ORC 121.75 (E).

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 ORC 121.71 to

121.74 pursuant to ORC 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:

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 to correct a rule number in the public hearing notice. No changes are being made to the rule.

This rule is being revised filed a second time to clarify the definition of licensed child day-care center in paragraph (D)(3)(b).

12. 119.032 Rule Review Date: **7/1/2011**

(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

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:

There are no new costs because the amendment does not change who receives a service, nor does it change the amount of service, nor does it change the provider of a service. The amendment adds to the rule additional locations at which a consumer may receive a service that the consumer may already be receiving.

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**