

**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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**5101:3-3-14**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Preadmission screening (PAS) and resident review (RR) definitions.****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: **5111.02**

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

This new rule is being proposed to update policies regarding the definition of terms and language necessary for the implementation of the pre-admission screening and resident review (PASRR) rules and requirements.

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:

The rule consists of terms and definitions referenced within Ohio Administrative Code rules 5101:3-3-15.1, 5101:3-3-15.2, 5123:2-14-01 and 5122-21-03. By combining all definitions into this new rule, readers will have access to a centralized listing of definitions in order to better understand the process and requirements of pre-admission screening and resident review.

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 Code of Federal Regulations (CFR). This question is not applicable to those references in this rule because such references are exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(B)(2).

This rule incorporates one or more dated references to the diagnostic and statistical manual of mental disorders, which are generally accepted industry standards. Each reference is dated and is generally available to persons affected by this rule via internet, in accordance with RC 121.75(E).

This rule incorporates one or more dated references to the Mental retardation: definition, classifications and systems of support manual, which are generally accepted industry standards. Each reference is dated and is generally available to persons affected by this rule via internet, in accordance with RC 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 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:

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:

*Not Applicable.*

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 decrease expenditures.

\$218,744

The rule contains a new definition allowing additional personnel to perform face-to-face assessments. This new definition is expected to allow greater flexibility and reduce costs associated with face-to-face assessments. Currently, the department is only able to use registered nurses employed by the state to perform face-to-face evaluations for adverse determinations in the developmental disability delivery system. The department estimated the decrease by multiplying the average number of assessments per year (average 72 assessments per year) by the average number of hours to perform the assessment (average 4 hours per assessment) and then multiplied by hourly salary and fringe (average \$44.25 hourly) to equal an estimated \$12,744 all funds expenditure decrease.

Given that pre-admission screening is a multi-agency administered component, this change also impacts the Ohio department of mental health (ODMH). The fiscal impact is included in the ODJFS impact statement because the change is within the ODJFS rule and implemented by ODJFS and ODMH. The fiscal impact for ODMH is an estimated expenditure decrease of \$206,000 per year.

The total (ODJFS and ODMH) estimated decrease due to this rule change is \$218,744 all funds per year.

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

ALI 600-655

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 is no known cost of compliance associated with the new rule.

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**