

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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5101:3-3-30.1

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Calculation, billing, payment remittance, and appeal process for the franchise permit fee (FPF) for nursing facilities (NFs), nursing homes (NHs), hospitals, and intermediate care facilities for the mentally retarded/developmentally disabled (ICFs-MR/DD).**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: **HB66**General Assembly: **126**Sponsor: **Representative Charles Calvert**

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: **3721.58, 5111.02, 5112.39**

5. Statute(s) the rule, as filed, amplifies or implements: **3721.50 to 3721.58, 5112.30 to 5112.35, 5112.37 to 5112.39**

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

To implement sections 3721.51 and 5112.31 of Am. Sub. H.B. 66 relating to the administration of the Medicaid 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 calculation method, billing cycle, payment remittance procedure, and calculation appeal process for the franchise permit fee (FPF) for both nursing facility (NF) and intermediate care facility for the mentally retarded/developmentally disabled (ICF-MR/DD) provider types.

This rule combines procedures that were previously contained in separate rules for NF and ICF-MR/DD provider types, thereby replacing former rules 5101:3-3-49.3 and 5101:3-3-82.3. Rule references have been updated as necessary.

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 references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC 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 for the sole purpose of correcting the response to question 4 of the RSFA (rule summary and fiscal analysis). The section "3721.511" is being removed from question 4 because 3721.511 was repealed by Am. Sub. HB 66, 126th General Assembly. No changes are being made to the rule body.

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

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:

Pursuant to section 3721.51 of the Revised Code as amended by Am. Sub. H.B. 66, the estimated cost of compliance for NF providers will increase due to the \$1.95 per

bed per day increase in the franchise permit fee. The estimated cost of compliance for charity homes will increase due to Am. Sub. H.B. 66 repealing the franchise permit fee exemption for charity homes in former section 3721.511 of the Revised Code. Pursuant to section 5112.31 of the Revised Code, there are no new estimated costs of compliance for ICF-MR/DD providers.

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**