

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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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Nursing facilities (NFs): nonreimbursable costs.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB1**General Assembly: **128**Sponsor: **Sykes**

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, 5111.26, 5111.262**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.20, 5111.26, 5111.262**

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

To implement the provisions of Amended Substitute House Bill 1 of the 128th General Assembly.

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 costs which are not reimbursable to NFs through the per diem. New language is being added to paragraph (D) of the proposed rule to explain therapy costs are nonreimbursable only through July 31, 2009. Beginning August 1, 2009, these costs are reimbursable through the cost reporting mechanism in the direct care cost center. Similarly, new language is being added to paragraph (E) of the proposed rule to explain oxygen costs (excluding emergency stand-by oxygen) and custom wheelchairs are reimbursable through the cost reporting mechanism beginning August 1, 2009 and subsequent.

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). Each reference is generally available to persons affected by this rule via <http://codes.ohio.gov/>.

This rule incorporates one or more references to the provisions of the provider reimbursement manual, Centers for Medicare and Medicaid Services (CMS) Publication 15-1, which are generally accepted industry standards. Each reference is generally available to persons affected by this rule via www.cms.hhs.gov/manuals, in accordance with RC 121.75(E).

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:

No changes to the proposed rule were made from the previously filed version other than a January 5, 2010 correction to the statutes the rule amplifies or implements (RSFA question 5).

12. 119.032 Rule Review Date: **11/16/2009**

(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

The department expects no increase or decrease in Medicaid expenditures during the current biennium as a result of proposed amendments to NF nonreimbursable costs.

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 will be no cost of compliance resulting from the proposed rule changes.

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**