

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

Agency Name

Division of Medical Assistance

Division

Mike Lynch

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

5101:3-3-42

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Nursing facilities (NFs): chart of accounts.**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: **HB153**General Assembly: **129**Sponsor: **Amstutz**

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, 5111.20, 5111.26, 5111.262, 5111.271**

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

Five year review.

To implement provisions of RC 5111.20 and 5111.271 adopted under Am. Sub. H.B. 153 of the 129th G.A. 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 Medicaid chart of accounts for nursing facilities.

Changes to the chart of accounts are as follows:

On all 52 pages of the chart of accounts, the revision date in the header is being updated to 09/2011.

Account 2440 and throughout the chart of accounts: The revision date for CMS publication 15-1 is being removed from the account description because each section of that publication is revised independently, and there is no longer an overall date of revision for the entire publication.

Accounts 6205 Quality Assurance, 7110 Pharmaceutical Consultant, and 7291 Qualified Mental Retardation Professional: In the account descriptions, the edition dates and the website addresses for the applicable CFRs are being removed.

Account 6207 Behavioral and Mental Health Services: This is a new account number being added to direct care costs pursuant to Section 5111.20 of Am. Sub. H.B. 153, and includes new sub-accounts 6207.1 Behavioral and Mental Health Services salary and 6207.2 Behavioral and Mental Health Services contract.

Account 6322 Oxygen: The phrase "Beginning 09/01/09" is being removed from the account description because the language is no longer necessary.

Accounts 6600 through 6680.2: The notation "(only 08/01/09 forward)" is being removed from the account titles because the language is no longer necessary.

Account 7631 Resident Transportation: The phrase "For the period 08/01/09 - 08/17/09 and for 10/01/09 and forward" is being deleted from the account description because the language is no longer necessary. The sentence "Resident transportation costs for the period 08/18/09 - 09/30/09 are reimbursed on a direct bill basis if services were provided by a qualified medicaid transportation provider." is being deleted from the account description because the language is no longer necessary. Sub-accounts 7631.1 "Resident transportation salary" and 7631.2 "Resident transportation other" are being added to allow for the cost of salaries.

Account 7735 Custom Wheelchairs: The notation "(only 08/01/09 forward)" and the phrase "Beginning 08/01/09" are being removed from the account description because the language is no longer necessary.

Accounts 9600 through 9700.2: These accounts are being removed under Non-Reimbursable Expenses because, effective 8/01/09, these costs are reported using account numbers 6600 through 6645.2 under Direct Care Therapies. Accordingly, the leading paragraph under Non-Reimbursable Expenses is being modified to remove language that is no longer necessary.

Account 9720 Oxygen: This account is being removed because, effective 8/1/09, emergency stand-by oxygen is reported in account 6321 and all other oxygen is reported in account 6322.

Account 9730 Late Fees, Fines or Penalties: The language "Includes those fees, fines, or penalties" is being added to the account description for clarification. Language is also being added to the account description to include audit fines assessed pursuant to Section 5111.271 of the Ohio Revised Code.

No changes were made to the body of the rule. All changes were made to the appendix of the rule.

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 ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(1).

This rule incorporates one or more references to federal Medicare publications. This question is not applicable to any incorporation by reference to the federal Medicare publications because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(B)(2).

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 references to 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).

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: **11/3/2011**

(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.

\$0.00

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:

Due to the addition of account number 6207 "Behavioral and Mental Health Services," some nursing facilities will experience a cost of compliance because their accountants must now break out the costs of behavioral and mental health services if they have not previously done so. The Department cannot estimate the cost of compliance because it will vary from provider to provider based upon their accounting and other business practices.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Due to the addition of account number 6207 "Behavioral and Mental Health Services," some county operated nursing facilities will experience a cost of compliance because their accountants must now break out the costs of behavioral and mental health services if they have not previously done so. The Department cannot estimate the cost of compliance because it will vary from provider to provider based upon their accounting and other business practices.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

Due to the addition of account number 6207 "Behavioral and Mental Health Services," some county operated nursing facilities will experience a cost of compliance because their accountants must now break out the costs of behavioral

and mental health services if they have not previously done so. The Department cannot estimate the cost of compliance because it will vary from provider to provider based upon their accounting and other business practices.

(a) Personnel Costs

Due to the addition of account number 6207 "Behavioral and Mental Health Services," some county operated nursing facilities will experience a cost of compliance because their accountants must now break out the costs of behavioral and mental health services if they have not previously done so. The Department cannot estimate the impact on personnel costs because it will vary from provider to provider based upon their accounting and other business practices.

(b) New Equipment or Other Capital Costs

The Department does not believe there is any impact on equipment or other capital costs as a result of this rule filing.

(c) Operating Costs

The Department does not believe there is any impact on operating costs as a result of this rule filing.

(d) Any Indirect Central Service Costs

The Department does not believe there is any impact on indirect central service costs as a result of this rule filing.

(e) Other Costs

The Department does not believe there is any impact on other costs as a result of this rule filing.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The Department is unable to provide an explanation of the ability of county operated nursing facilities to pay for the cost of compliance because the Department does not have this level of detailed information about the finances of

the county operated nursing facilities.

7. Please provide a statement on the proposed rule's impact on economic development.

The Department does not believe the proposed rule changes will impact economic development.