

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

Agency Name

**Division Of Medical Assistance**

Division

**Mary H Mynatt**

Contact

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**5101:3-3-57**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Nursing facilities (NFs) expenditure limitation.****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: **HB95**General Assembly: **125**Sponsor: **Representative  
Calvert and Senators  
Harris, Carnes**

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: **RC Section 5111.02**

5. Statute(s) the rule, as filed, amplifies or implements: **RC Section 5111.02, 5111.20 to 5111.32, Section 63.35 of Am. Sub. H.B. 94 of the 124th General Assembly, Section 10 of Am. Sub. S.B. 261 of the 124th General Assembly, Section 63.37 Am. Sub. H.B. 95 of the 125th General Assembly**

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

This rule is being proposed to reflect the changes made in H.B. 95.

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 is being amended on an emergency basis and proposed for permanent amendment to include the per diem rate expenditure limits, as detailed in paragraphs (D) through (G) of this rule, of one hundred fifty-six dollars and sixty-eight cents for fiscal year 2004 and one hundred fifty-nine dollars for fiscal year 2005, plus the difference by which the fiscal year 2004 limit of one hundred fifty-six dollar and sixty-eight cents exceeds the mean total per diem for all nursing facilities for fiscal year 2004.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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 to correct the citations specified in the "rule amplifies"

section of the certification page of the rule ( i.e., change the citation from 63.35 of Am. Sub. S.B.261 to Section 10 of Am. Sub. S.B.261).

12. 119.032 Rule Review Date: **9/26/2003**

(If 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: At 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.

125,000,000.00

The department estimates that annual aggregate expenditures for NFs will increase by \$74 million in FY04 from FY03 levels and will be \$125 million less than projected aggregate expenditures without this change.

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

Item: GRF 600 - ALI 525

Expenditure: 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:

Notwithstanding the expenditure limitation applied by this rule, there will be no additional cost of compliance to affected persons.

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**