Rule Summary and Fiscal Analysis (Part A)

Department of Job and Family Services
Agency Name

Division of Medical Assistance   **Mike Lynch**
Division   Contact

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5101:3-31-02   AMENDMENT
Rule Number   TYPE of rule filing

Rule Title/Tag Line   **Passport program definitions.**

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: **HB66 Section**   General Assembly: **126**   Sponsor: **Rep. Calvert**
173.391

3. Statute prescribing the procedure in   4. Statute(s) authorizing agency to
accordance with the agency is required   adopt the rule: **5111.85**
to adopt the rule: **119.03**

                                                5. Statute(s) the rule, as filed, amplifies
                                                or implements: **5111.85**

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

> This rule is being proposed to update the PASSPORT HCBS Rules to reflect
> statutory changes giving ODA authority to certify providers and specify services
> and to consolidate and update the chapter.

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 to update the definitions list. The list is being updated to reflect ODA authority to certify providers and define services as granted in ORC 173.391. Some definitions are deleted as they are no longer used in the chapter and others have been updated to reflect new rule references.
>
> These changes are updates to the chapter and are not substantive changes to the PASSPORT Program.

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 RDC 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).
>
> This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with ORC 121.71 to 121.74 in accordance with ORC 121.75(C).
>
> This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with ORC 121.71 to 121.74 in accordance with ORC 121.75(D).

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:

The rule has been changed to remove unused definitions: abuse, abandonment, caregivers, imminent health and/or safety, and to make changes to the definition of Keys amendment facility. Changes were also made to correct grammar and capitaliztion. Questions four and five of the RSFA were changed to remove certain statutory references which are not necessary. The answer to question eight in the RSFA was changed.

12. 119.032 Rule Review Date: **4/14/2006**

(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.

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This rule will neither decrease nor increase expenditures.

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

This rule will neither decrease nor increase expenditures.

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:

This rule will neither decrease nor increase expenditures.

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**