

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

Agency Name

Division of Medical Assistance

Division

Mike Lynch

Contact

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5101:3-31-07

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

PASSPORT HCBS waiver rate setting.**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? **No**

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: **5111.85**

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:

Five-year review. To update and clarify the preadmission screening system providing options and resources today (PASSPORT) home and community based services (HCBS) waiver program rates.

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 description of the methods used to determine provider rates

for the preadmission screening system providing options and resources today (PASSPORT) home and community based services (HCBS) waiver program.

Changes to this rule include the addition to the opening paragraph "The requirements pertaining to services directed by waiver consumers set forth in this rule begin when the Ohio department of job and family services (ODJFS) receives approval from the centers for medicare and medicaid services (CMS) of an amendment adding consumer direction to the PASSPORT waiver, or on the effective date of this rule, whichever is later."

Changes to paragraphs (E) are being proposed to reflect that a single rate will be set by ODA for each service listed. This paragraph also reflects the addition of a new provider type to PASSPORT (individual providers) and the addition of a new service (enhanced community living). Paragraph (E) now also lists the waiver's emergency response system service (ERS), which results from a change in rate methodology as the rule currently indicates that ERS rates are set on a regional basis.

There is no change in rate setting proposed for those services listed in paragraph (F). The rates for those services will continue to be set by ODA on a regional basis. Changes reflect formatting updates.

No service may have a unit rate that exceeds the Medicaid maximum set by ODJFS in rule 5101:3-1-06.1 of the Administrative Code.

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).

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:

Changes to paragraph A of the refiled rule include the deletion of "The requirements pertaining to services directed by waiver consumers set forth in this rule begin when the Ohio department of job and family services (ODJFS) receives approval from the centers for medicare and medicaid services (CMS) of an amendment adding consumer direction to he PASSPORT waiver, or on the effective date of this rule, whichever is later."

Changes to paragraph D of the refiled rule include this deletion to paragraph D "the following services".

Changes to the refiled rule include this deletion to paragraph E(3) "individual" and the addition to paragraph E(3) "personal care."

Changes to the refiled rule inculde this addition to paragraph F(4) "in paragraph (F)(1) to this rule."

12. 119.032 Rule Review Date: **11/18/2010**

(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

No impact on current budget.

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:

Not applicable.

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**