

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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5101:3-33-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Eligibility for the assisted living HCBS waiver program.**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: **HB119**General Assembly: **127**Sponsor: **Rep. Dolan**

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, 5111.89**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.85, 5111.89**

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

This rule is being amended to reflect an expansion of eligibility contained in Am.Sub. H.B. 119, 127th 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:

The purpose of the rule is to outline the criteria that must be met for an individual to be eligible to enroll in the Assisted Living Home and Community Based Services (HCBS) Waiver. The changes are intended to expand the pool for eligible participants by including current residents of a residential care facility and to remove eligibility criteria for an unschedulable need with two activities of daily living.

This rule is being amended to expand the Assisted Living Waiver to include residents of a residential care facility (RCF) that resided in the RCF for 6 months immediately before the date the individual applies for the Assisted Living Waiver. Additionally, this rule is also being amended to require that as a condition of eligibility, it must be determined by the PASSPORT Administering Agency (PAA) in which the consumer is applying for the Assisted Living Waiver that the consumer's needs can be met through this waiver.

This rule is also being amended to expand the targeting criteria for participants by making the criteria less restrictive for an un-schedulable need with two activities of daily living.

Pending approval from the Centers for Medicare and Medicaid Services (CMS), the changes proposed to this rule are consistent with the federally approved waiver.

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 Ohio Revised Code 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 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 ORC 121.71 to 121.74 or 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: **11/13/2007**

(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 will have no impact on revenues or expenditures. This rule updates eligibility criteria but will not impact program 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:

No new costs

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**