

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

Agency Name

**Division Of Medical Assistance**

Division

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**5101:3-40-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Medicaid home and community-based services program -  
individual options waiver.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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: **5111.01, 5111.85**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.85, 5111.87, 5111.871, 5111.91**

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

The purpose for the proposed rule is to incorporate changes made to the waiver through the renewal process with CMS, to authorize ODMRDD as the administering agency, and to update changes due to Medicaid redesign activities.

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 proposed rule establishes the IO waiver as a component of the Medicaid home and community-based services program in the modified format due to the renewal of the waiver program. The primary change to this waiver program is that waiver participants shall be subject to a cost limitation for waiver services which shall be administered on a statewide basis. The provisions set forth the application for waiver services; eligibility criteria; enrollment, continued enrollment, and disenrollment of waiver participants; waiver program benefit package and statewide individual benefit cost limitations; service planning requirements; free choice of provider provisions; requirements pertaining to the provision of IO waiver services; provider contracting requirements; reference to the appropriate payment standards Ohio Administrative Code rule; provider complaint and dispute resolution; monitoring, compliance and sanctions; due process requirements; and designation of local state matching funds.

Prior changes to this rule include clarification changes to paragraph (E)(5) regarding disenrollment of individual options enrollees and the deletion of language referring to emergency services; Changes to paragraphs (H), (J) and (I) added clarification language related to qualified providers and certification standards; Changes to paragraph (K) include more specific language about applicable payment standards; And, changes made to paragraph (N) specifically added language regarding the ISP.

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:

The text associated with the reference can be accessed at any public library or via the internet at [www.ssa.gov](http://www.ssa.gov).

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:

N/A

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 refiled in order to make changes to paragraph (K) which addresses provider payment standards for individual option waiver services. The changes clarify the appropriate rule references for payment standards related to this waiver program.

12. 119.032 Rule Review Date:

(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 have no impact on revenues or expenditures.

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This rule is not expected to increase or decrease revenues or expenditures for ODJFS. While there are no expected increases or decreases in revenues or expenditures for ODJFS for the remainder of the current biennium, there is an expectation of long-term cost savings due to the inclusion of a cost limitation for waiver services. Each individual options waiver participant shall be subject to this cost limitation which shall be administered on a statewide basis and shall be at the limitation set forth in the federally approved waiver renewal document.

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

No appropriation identified.

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 costs of compliance have been projected.

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**