

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

Agency Name

**Division of Medical Assistance**

Division

**Beth Vogel**

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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 and amendment processes with CMS, the statewide fee schedule development process, and the Medicaid redesign activities, as well as to authorize ODMRDD as the administering agency for this waiver program.

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 and reflects the changes in program structure and content which have occurred since the rule was originally filed. This rule sets forth the provisions related to the waiver application process; 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:

Paragraph (G)(2) has been revised to state "The ISP shall be developed in accordance with paragraph (C)(2) of rule 5123:2-9-04 of the Administrative Code."

Paragraph (G)(3) has been deleted.

12. 119.032 Rule Review Date:

(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 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.

The refiling of this rule is not expected to impact expenditures or revenues for ODJFS.

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. The refiling of this rule does not impact the previously stated cost of compliance.

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**

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

This rule is not expected to increase the cost of compliance for CBMRDD than what they currently experience.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The rule does not impose any new requirements that would necessitate increases in any of the following categories except, perhaps, in category (e).

(a) Personnel Costs

N/A

(b) New Equipment or Other Capital Costs

N/A

(c) Operating Costs

N/A

(d) Any Indirect Central Service Costs

N/A

(e) Other Costs

N/A.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

CBMRDD are currently obligated to pay the non-federal matching funds for waiver services.

7. Please provide a statement on the proposed rule's impact on economic development.

This rule does not propose any new provisions that would impact economic development.