

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

Agency Name

Division of Medical Assistance

Division

Mike Lynch

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Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Home and community based waiver services - reimbursement for adult day support, vocational habilitation, supported employment- enclave, supported employment-community, supported employment adapted equipment and non-medical transportation to access one or more of these services administered by the Ohio department of mental retardation and developmental disabilities.**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: **5111.873, 5111.85**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.873, 5111.85**

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

This rule is being proposed to establish the payment standards for the adult day Waiver services.

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 payment standards for reimbursement to certified providers of vocational habilitation, adult day supports, supported employment-enclave, supported employment-community, supported employment - adapted equipment, and non-medical transportation. In addition, the rule establishes the provisions and conditions that must exist for reimbursement of claims.

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 RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

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 following language was deleted from the referenced paragraphs:

(E)(1)(c) "new day services under rule 5123:2-9-19 of the Administrative Code, then the individual must transition entirely to the new day services and all of their services"

(E)(2) Subject to the service limitations in paragraph (D) of this rule, individuals that have transitioned to the waiver reimbursement system in accordance with rule 5123:2-9-06 of the Administrative Code and:

(a)are receiving day habilitation may continue to receive day habilitation and shall be subject to the payment standards as defined in rule 5123:2-9-12 and rule 5101:3-41-10 of the Administrative Code for the individual options and level one waivers; and/or

(b)are receiving supported employment may continue to receive supported employment and shall be subject to the payment standards as defined in rule 5123:-2-9-06 and rule 5101:3-41-11 of the Administrative Code for the individual options and level one waivers; and/or

(c)are receiving or are requesting to receive one or more of the new day services under rule 5123:2-9-19 of the Administrative Code, then the individual must transition entirely to the new day services and all of their services shall be subject to the payment standards set forth in this rule and rule 5123:2-9-19 of the Administrative Code.

(I)"support, vocational habilitation, supported employment-enclave, supported employment-community, supported employment ?? adapted equipment, and non-medical transportation".

(J)"support, vocational habilitation, supported employment-enclave, supported employment-community, supported employment ?? adapted equipment, and non-medical transportation"

(J)(7)The waiver service is provided within the limitations specified by the waiver program in which the individual is enrolled.

The following paragraphs were amended:

(C)(3)"New Day Services" changed to "Adult Day Services"

(D)(1)"day habilitation is not available in combination with" changed to "Individuals that receive day habilitation as a waiver service may not receive this service at the same time as"

(D)(2)"Supported employment is not available in combination with" changed to "individuals that receive supported employment as defined in paragraph (C)(2) of this rule may not receive the service at the same time as"

(F) added: "Transportation services may be provided in addition to the non-transportation services"

This rule is being filed a second time to add the following language.

(G) "The provider shall bill ODMRDD its usual and customary charge or the rate in appendix A to this rule. Without regard to the rate of reimbursement that may be identified in appendix A to this rule, no provider of adult day services shall receive reimbursement at a rate in excess of the rate in the federally approved waiver amendment."

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.

0.00

The proposed Adult Day Services may impact the amount of federal funds that will pass to ODMRDD by ODJFS. ODMRDD anticipates that the Day Habilitation services and Adult Day Services will remain cost neutral on statewide basis, however the projected costs may result in a modest increase in transportation and ADS/VH waiver services.

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

N/A

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:

N/A

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.

The proposed rule may impact the non federal share of funds provided by the county boards of mr/dd local funds. The proposed Adult Day Services may result in a modest increase for funds needed to fund the transportation and Adult Day/Vocational Habilitation waiver services in comparison to FY '05 reported cost for Day Habilitation services.

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 projected estimated costs for the Adult Day services were developed by an independent consulting firm through a contractual agreement with the Ohio Department of Mental Retardation and Developmental Disabilities (ODMRDD).

(a) Personnel Costs

Unable to determine.

(b) New Equipment or Other Capital Costs

Unable to determine.

(c) Operating Costs

Unable to determine.

(d) Any Indirect Central Service Costs

Unable to determine.

(e) Other Costs

Unable to determine.

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.

The ODMRDD has worked collaboratively with a group of stakeholders and an independent consulting firm to develop the rates and definitions for the proposed Adult Day services. ODMRDD will work closely with the counties to transition the individuals enrolled in the waivers beginning July, 2006 to minimize the financial impact.

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

ODMRDD anticipates that the proposed rule will result in enhanced business opportunities for providers throughout the state.