

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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5101:3-41-21

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Medicaid home and community-based services program-transitions developmental disabilities 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? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Representative Amstutz**

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, 5111.87, 5111.91, 5111.871**

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

This rule is being proposed for adoption to incorporate Section 5111.871 of Am. Sub. H.B. 153, of the 129th G.A. relating to the transfer of the administrative

functions of the Transitions Developmental Disabilities waiver program from the Office of Medical Assistance (OMA) to the Department of Developmental Disabilities (DODD).

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 will permit the administrative functions of the Transitions Developmental Disabilities waiver as defined in rule to be transferred to the DODD. The purpose of the rule is to authorize rules governing the Transitions Developmental Disabilities waiver, a component of the Medicaid Home and Community-Based Services program pursuant to Sections 5111.85 and 5111.87 of the Revised Code, and to provide for the Department of Developmental Disabilities to administer the component in accordance with the terms of the 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 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 pursuant to ORC 121.76(A)(3).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 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:

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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

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 transfer of the administrative and operational duties for the Transitions Developmental Disabilities waiver will have no impact on the budget. The Office of Medical Assistance, Appropriation Line Item (ALI) 600525 was reduced by \$65,879,798.00 and transferred to the Department of Developmental Disabilities ALIs 322407, 320321 and 322639.

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

600525 (Office of Medical Assistance)

322407 (Department of Developmental Disabilities)

322321 (Department of Developmental Disabilities)

322639 (Department of Developmental Disabilities)

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:

The Department is unable to provide an estimate of the cost of compliance because it will vary for each County Board of Developmental Disabilities (CBDD) depending on the CBDDs unique business model and the number of individuals served. The County Board will be responsible for providing case management services for individuals enrolled on the Transitions Developmental Disabilities waiver in their county beginning January 1, 2013. For example, one county board could receive fifty enrollees while another county board could receive only three. However, funding in the amount of \$65,879,798.00 was transferred from the Office of Medical Assistance to the Department of Developmental Disabilities for direct services and administrative cost to allow the program to be cost neutral.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

The Department of Developmental Disabilities (DODD) submitted a Common Sense Initiative/Business Impact Analysis (CSI/BIA) pertaining to rules associated with the transfer of the Transitions Developmental Disabilities waiver program dated 09/10/12. Rule numbers 5123:2-9-50 to 5123:2-9-59 were included in the CSI/BIA document. The Office of Medical Assistance rules authorize the referenced DODD rule numbers and permits the transfer of the administrative

activities pertaining to waiver program.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **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 Department is unable to provide an estimate of the cost of compliance because it will vary for each County Board of Developmental Disabilities (CBDD) depending on the CBDDs unique business model and the number of individuals served. The County Board will be responsible for providing case management services for individuals enrolled on the Transitions Developmental Disabilities waiver in their county beginning January 1, 2013. For example, one county board could receive fifty enrollees while another county board could receive only three. However, funding in the amount of \$65,879,798.00 was transferred from the Office of Medical Assistance to the Department of Developmental Disabilities for direct services and administrative cost to allow the program to be cost neutral.

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 Department is unable to provide an estimate of the cost of compliance because it will vary for each County Board of Developmental Disabilities (CBDD) depending on the CBDDs unique business model and the number of individuals served. The County Board will be responsible for providing case management services for individuals enrolled on the Transitions Developmental Disabilities waiver in their county beginning January 1, 2013. For example, one county board could receive fifty enrollees while another county board could receive only three. However, funding in the amount of \$65,879,798.00 was transferred from the Office of Medical Assistance to the Department of Developmental Disabilities for direct services and administrative cost to allow the program to be cost neutral.

(a) Personnel Costs

The Department is unable to provide an estimate of the cost of compliance because it will vary for each County Board of Developmental Disabilities (CBDD) depending on the CBDDs unique business model and the number of individuals served. The County Board will be responsible for providing case management services for individuals enrolled on the Transitions Developmental Disabilities waiver in their county beginning January 1, 2013. For example, one county board could receive fifty enrollees while another county board could receive only three. However, funding in the amount of \$65,879,798.00 was transferred from the Office of Medical Assistance to the Department of Developmental Disabilities for direct services and administrative cost to allow the program to be cost neutral.

(b) New Equipment or Other Capital Costs

The Department is unable to provide an estimate of the cost of compliance because it will vary for each County Board of Developmental Disabilities (CBDD) depending on the CBDDs unique business model and the number of individuals served. The County Board will be responsible for providing case management services for individuals enrolled on the Transitions Developmental Disabilities waiver in their county beginning January 1, 2013. For example, one county board could receive fifty enrollees while another county board could receive only three. However, funding in the amount of \$65,879,798.00 was transferred from the Office of Medical Assistance to the Department of Developmental Disabilities for direct services and administrative cost to allow the program to be cost neutral.

(c) Operating Costs

The Department is unable to provide an estimate of the cost of compliance

because it will vary for each County Board of Developmental Disabilities (CBDD) depending on the CBDDs unique business model and the number of individuals served. The County Board will be responsible for providing case management services for individuals enrolled on the Transitions Developmental Disabilities waiver in their county beginning January 1, 2013. For example, one county board could receive fifty enrollees while another county board could receive only three. However, funding in the amount of \$65,879,798.00 was transferred from the Office of Medical Assistance to the Department of Developmental Disabilities for direct services and administrative cost to allow the program to be cost neutral.

(d) Any Indirect Central Service Costs

The Department is unable to provide an estimate of the cost of compliance because it will vary for each County Board of Developmental Disabilities (CBDD) depending on the CBDDs unique business model and the number of individuals served. The County Board will be responsible for providing case management services for individuals enrolled on the Transitions Developmental Disabilities waiver in their county beginning January 1, 2013. For example, one county board could receive fifty enrollees while another county board could receive only three. However, funding in the amount of \$65,879,798.00 was transferred from the Office of Medical Assistance to the Department of Developmental Disabilities for direct services and administrative cost to allow the program to be cost neutral.

(e) Other Costs

The Department is unable to provide an estimate of the cost of compliance because it will vary for each County Board of Developmental Disabilities (CBDD) depending on the CBDDs unique business model and the number of individuals served. The County Board will be responsible for providing case management services for individuals enrolled on the Transitions Developmental Disabilities waiver in their county beginning January 1, 2013. For example, one county board could receive fifty enrollees while another county board could receive only three. However, funding in the amount of \$65,879,798.00 was transferred from the Office of Medical Assistance to the Department of Developmental Disabilities for direct services and administrative cost to allow the program to be cost neutral.

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 new requirements imposed by the proposed rule will not impact the local County Boards of Developmental Disabilities ability to pay for individuals enrolled on the Transitions Developmental Disabilities waiver in their counties. The counties are required to pay the non-federal share of DODD administered waivers in their counties. However, the DODD will pay the non-federal share for the Transitions Developmental waiver services and the associated Targeted Case Management (TCM) match share.

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

The proposed rule does not have an impact on economic development.