

**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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**5101:3-42-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Medicaid home and community-based services program - level one waiver.****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? **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: **5111.85**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.85, 5111.851, 5111.82, 5111.87, 5111.871, 5111.91, 5111.042**

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

Five year rule review. This rule is being proposed for amendment to change the name of the Department of Developmental Disabilities (DODD) and the County Board of Developmental Disabilities (CBDD) in accordance with Senate Bill 79 of the 128th 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:

This rule establishes the Level One waiver as a part of the Medicaid's home and community-based services program. Changes to the amended rule include updating rule references and code citations, adding clarifying language, and updating acronyms to reflect the directives of Senate Bill 79 of the 128th General Assembly.

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 Social Security Act. This question is not applicable to any incorporation by reference to the Social Security Act because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(B)(2).

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:

*Not Applicable.*

12. 119.032 Rule Review Date: **6/28/2011**

(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 Department of Job and Family Services (ODJFS) anticipates there will be no impact on the current budget because the amended waiver service reflected in the rule were previously approved by the Centers for Medicare and Medicaid (CMS) and/or replaced by existing services. The changes reflect the currently approved Level One waiver.

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

600-655 Federal Pass Through Funds

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 cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBDD). County Boards of Developmental Disabilities

(CBDD) are responsible for the non-federal share of providing waiver match for individuals in their counties. This amount may vary depending on the number of individuals requesting waiver services in each county.

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 cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBDD). County Boards of Developmental Disabilities (CBDD) are responsible for the non-federal share of waiver match for individuals in their counties. This amount may vary depending on the number of individuals requesting waiver services in each county.

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 cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBDD). County Boards of Developmental Disabilities (CBDD) are responsible for the non-federal share of waiver match for individuals in their counties. This amount may vary depending on the number of individuals

requesting the new services in each county.

**(a) Personnel Costs**

The cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBDD). County Boards of Developmental Disabilities (CBDD) are responsible for the non-federal share of waiver match for individuals in their counties. This amount may vary depending on the number of individuals requesting waiver services in each county.

**(b) New Equipment or Other Capital Costs**

The cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBDD). County Boards of Developmental Disabilities (CBDD) are responsible for the non-federal share of waiver match for individuals in their counties. This amount may vary depending on the number of individuals requesting waiver services in each county.

**(c) Operating Costs**

The cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBDD). County Boards of Developmental Disabilities (CBDD) are responsible for the non-federal share of waiver match for individuals in their counties. This amount may vary depending on the number of individuals requesting waiver services in each county.

**(d) Any Indirect Central Service Costs**

The cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBDD). County Boards of Developmental Disabilities (CBDD) are responsible for the non-federal share of waiver match for individuals in their counties. This amount may vary depending on the number of individuals requesting waiver services in each county.

**(e) Other Costs**

The cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBDD). County Boards of

Developmental Disabilities (CBDD) are responsible for the non-federal share of waiver match for individuals in their counties. This amount may vary depending on the number of individuals requesting waiver services in each county.

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.

County Boards of Developmental Disabilities (CBDD) are required to pay the non-federal share for waiver services in Ohio. The Ohio Department of Development (DODD) has developed a process for a county board to request assistance from the department in the event of failure of an operating levy for services to individuals with developmental disabilities in a county needing financial assistance.

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

This rule will not have an impact on economic development.