

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

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

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Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Transitions carve-out waiver: eligibility criteria for time-limited enrollment of HOME choice ("Helping Ohioans Move, Expanding Choice") demonstration program participants.**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: **HB119**General Assembly: **127**Sponsor: **Dolan**

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: **5111.01, 5111.02, 5111.85, 5111.856, Section 309.30.70 of Am. Sub. H.B. 119, 127th G.A.**

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

This rule is being proposed to implement part of the Money Follows the Person (MFP) HOME Choice (Helping Ohioans Move, Expanding Choice) Demonstration Program that is being created in response to Ohio's receipt of an MFP

demonstration grant from the Centers for Medicare and Medicaid Services (CMS), and to implement Revised Code section 309.30.70, adopted under Am. Sub. H.B. 119, 127th General Assembly relating to MFP and budgeted in the GRF 600-525 account.

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 eligibility criteria a HOME Choice Demonstration Program consumer must meet in order to be enrolled on the Transitions Carve-Out Waiver during the time-limited enrollment period of XX/XX/2008 through September 30, 2011.

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 RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

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:

This rule is being refiled to indicate in the opening paragraph and paragraph (A) that the requirements of the rule begin when ODJFS receives approval of the HOME Choice Demonstration Program from the Centers for Medicare and Medicaid Services (CMS), or on the effective date of the rule, whichever is later. Also in paragraph (A), the last sentence is being changed to "Time-limited open enrollment is limited to the number of reserved capacity transitions carve-out waiver slots approved by CMS." The term "HOME choice demonstration program consumers" in the rule title and paragraph (C) has been changed to "HOME choice demonstration program participants." Paragraph (C) is being changed to "HOME choice demonstration program participants with a need for nursing services shall be given priority for accessing transitions carve-out waiver slots." In the first line of paragraph (F), the word "eligible" is being replaced with "enrolled."

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

This proposed rule will not change the agency's projected budget during the current biennium because the Department is within its approved number of budgeted waiver slots.

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

Not applicable.

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:

There will be no new cost of compliance with the rule. However, there may be a reduction in institutional costs when consumers are relocated back into the community.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**