

**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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**5101:3-51-06**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**HOME choice ("Helping Ohioans Move, Expanding Choice")  
demonstration program: reimbursement rates and billing  
procedures.****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: **5111.02, 5111.85**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.01, 5111.02, 5111.85, 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 and to

implement the MFP initiative referred to in Revised Code section 309.30.70, adopted under Am. Sub. HB 119, 127th General Assembly 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 sets forth new codes, and the reimbursement rates for HOME Choice Demonstration Program services.

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 questions 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 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. Additionally, the term "consumer" and "consumer's" have been changed throughout the rule to "participant" and "participant's," respectively. In paragraphs (A)(5) and (A)(6), the words "as appropriate" have been removed. In paragraph (A)(9)(b)(ii), the reference to "(A)(9)" has been changed to "(A)(10)."

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 increase expenditures.

\$6.4 million

This rule addresses new services available only to HOME Choice consumers to enable them to transition from institutional settings into the community. The "all-funds" expenditures for services identified in this rule are projected to be approximately \$6.4 million. State share expenditures for the services identified in this rule are projected to be approximately \$1.7 million. These services and existing qualified services provided to HOME Choice consumers will earn enhanced federal match. The state will use this additional federal revenue to pay for the state share of new HOME Choice services.

Please see attached Appendix for additional fiscal information related to this rule.

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

GRF 600-525

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 is no cost of compliance.

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**

**Appendix to RSFA for 5101:3-51-06**

- 1) In State Fiscal Year 2009, ODJFS projects that Home Choice will assist 641 persons to move out of nursing homes and intermediate care facilities into homes, apartments, and other community settings. Over the four-year term of the federal grant that supports this initiative, ODJFS expects to help more than 2,200 persons move.
- 2) ODJFS projects that most Home Choice participants will become enrolled on Medicaid waivers. Here is a table showing how many persons are expected to enroll into each waiver and how many will likely need only regular Medicaid services and other special support services available through this program:

Medicaid Waiver	# of Expected Home Choice Participants	Operating Agency
PASSPORT	280	ODA
Individual Options	210	ODMRDD
Ohio Home Care	120	ODJFS
State Plan Only	31	***
<b>TOTAL</b>	<b>641</b>	

\*\*\* Home Choice participants who do not enroll on a waiver will still receive special support services and care management to help them move into community settings.

- 3) The table below shows total projected service spending for Home Choice participants in State Fiscal Year 2009:

SFY 2009	Ending Caseload	Waiver Services Paid by Each System		Demo Services Paid by ODJFS		Supplemental Services Paid by JFS	
		All-Funds	State Share	All-Funds	State Share	All-Funds	State Share
ODA Waiver	280	\$1,225,207	\$477,831	\$2,141,230	\$428,246	\$1,039,130	\$426,043
ODMRDD Waiver	210	\$5,695,357	\$2,221,189	\$1,105,580	\$221,116	\$56,496	\$23,163
JFS Waiver	120	\$1,537,600	\$312,778	\$980,105	\$196,021	\$586,996	\$240,668
JFS State Plan	31	\$0	\$0	\$331,230	\$66,246	\$149,913	\$61,464
<b>TOTAL</b>	<b>641</b>	<b>\$8,458,164</b>	<b>\$3,011,798</b>	<b>\$4,558,145</b>	<b>\$911,629</b>	<b>\$1,832,534</b>	<b>\$751,339</b>

<b>Total projected "all-funds" spending for services authorized under this rule in SFY 2009:</b>	<b>\$6,390,679</b>
<b>Total projected state-share spending for services authorized under this rule in SFY 2009:</b>	<b>\$1,662,968</b>

**NOTE:** Total projected "all-funds" spending for the services authorized by this rule is \$4,558,145 + \$1,832,534=\$6,390,679. Total projected state-share spending for the services authorized by this rule is \$911,269 + \$751,339 = **\$1,662,968**. Spending for waiver services, to be provided to Home Choice participants, was funded through the regular budget process for each operating agency.

/cd