

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-36-02

Rule Type: Amendment

Rule Title/Tagline: RSS non-financial eligibility.

Agency Name: Department of Mental Health and Addiction Services

Division:

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I. Rule Summary

1. **Is this a five year rule review? Yes**
 - A. **What is the rule's five year review date? 6/14/2022**
2. **Is this rule the result of recent legislation? No**
3. **What statute is this rule being promulgated under? 119.03**
4. **What statute(s) grant rule writing authority? R.C. 5119.41**
5. **What statute(s) does the rule implement or amplify? R.C. 5119.41**
6. **What are the reasons for proposing the rule?**

The Residential State Supplement (RSS) Program is Ohio's Optional State Supplementation Program authorized by the U.S. Social Security Administration. This rule specifies the non-financial criteria an individual must meet to qualify for the RSS Program. The rule is being updated as part of the five-year review process. The updates are summarized below.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth the non-financial criteria an individual must meet to qualify for the RSS Program. The rule is being amended to (1) clarify that an individual must meet all criteria in a Medicaid rule (O.A.C. 5160:1-5-01) to qualify for RSS, and that OhioMHAS is responsible for first determining non-financial eligibility while the appropriate county department of job and family services (CDJFS) next determines financial eligibility; (2) codify the existing procedure OhioMHAS uses to collect an RSS payment paid to an individual who was determined ineligible for the Program or who had moved from an eligible living arrangement; and (3) specify that an RSS applicant must execute a release of information form permitting an exchange of information between not only OhioMHAS and the living arrangement operator and other care providers and key contacts, but also between these parties and the Ohio Department of Medicaid (ODM) and the Ohio Department of Job and Family Services (ODJFS).

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

In paragraph (B)(2), a correction in grammar is being made. The phrase, "will be determined to meet this requirement," is being replaced with "meets this requirement."

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

Not applicable.

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There is no cost of compliance. RSS participants receive funds to cover living expenses when they are eligible for enrollment and funding exists for new participants.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office?** Yes
17. **Does this rule have an adverse impact on business?** Yes
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** Yes

Yes. To be an eligible living arrangement, a living arrangement must be either be a class two residential facility regulated by OhioMHAS or a residential care facility regulated by the Ohio Department of Health (ODH). The licensure fee for a class two residential facility is \$75 biennially. The licensure fee for a residential care facility varies depending on the number of beds in the facility, and must be renewed annually.
 - 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
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable