

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5122-36-04

**Rule Type:** Amendment

**Rule Title/Tagline:** Responsibilities of the living arrangement.

**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. The rule sets forth the responsibilities of the participating living arrangements and 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 responsibilities of the participating living arrangements. The rule is being amended to (1) eliminate the requirement that an extenuating

circumstance be present before a living arrangement must give a prorated portion of an RSS payment to an individual who leaves the living arrangement before the end of the month for which payment was made; (2) codify the existing procedure OhioMHAS uses to collect from a living arrangement an RSS payment the living arrangement had received when the individual to whom the payment related was ineligible for or had moved from the eligible living arrangement (this change would make this rule consistent with O.A.C. 5122-36-02); and (3) make non-substantive formatting changes.

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.**

*Not Applicable*

## **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?**

Generally, the nature of the adverse impact to eligible living arrangements for complying with this rule would be the staff time to fulfill the responsibilities. Specifically, the following paragraphs impose a cost of compliance:

(A)(1) - An eligible living arrangement incurs costs when providing accommodations, supervision, and personal care services to RSS participants. For providing these items, an eligible living arrangement receives \$1100 per month.

(A)(2), (4), (5), (9), (10), (11), (12), and (13) and (B) - An eligible living arrangement would incur minimal administrative costs to fulfill the responsibilities specified in

these paragraphs. For (A)(9), OhioMHAS must verify RSS participants are living in the facilities listed with the Program. The quarterly surveys may be returned by mail, fax, or encrypted email. The process should only take a few minutes of each facility operator's time each quarter.

(A)(14) and (15) - A living arrangement must provide transportation for each RSS participant. The living arrangement would need to acquire and maintain a vehicle for this purpose (and would incur motor vehicle fees and insurance and gas payments). However, the living arrangement is authorized under the rule to charge an RSS participant a usual and customary rate for this service.

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? Yes**

(A)(9) requires an eligible living arrangement to respond to and cooperate with the OhioMHAS quarterly RSS verification process concerning RSS participants.

- 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**

OhioMHAS estimates that the eligible living arrangements would not incur additional costs beyond what they currently incur to comply with the existing rules.

**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