

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-1-06.5

Rule Type: Amendment

Rule Title/Tagline: Home and community based services (HCBS) waivers: assisted living.

Agency Name: Ohio Department of Medicaid

Division:

Address: 50 Town St 4th floor Columbus OH 43218-2709

Contact: Tommi Potter

Email: tommi.potter@medicaid.ohio.gov **Phone:** 614-752-3877

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 4/9/2019
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? 5166.02
5. What statute(s) does the rule implement or amplify? 173.54
6. What are the reasons for proposing the rule?

This rule is being proposed for amendment to update the policy related to the administration of the Assisted Living waiver and align the maximum allowable reimbursement with the PASSPORT and Ohio Home Care waiver programs.

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

OAC 5160-01-06.5, titled "Home and Community-based service waivers: Assisted Living" sets forth the Assisted Living covered services and the maximum allowable rates for the services. This rule is being proposed for amendment to align

reimbursement policy with the Ohio Home Care and PASSPORT waivers. Changes to the rule include: removing a date reference; and updating the maximum allowable reimbursement in Appendix A.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). 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). OAC Medicaid rules may be found online at <http://codes.ohio.gov/oac/5160>.

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1). The Ohio Revised Code references may be found online at <http://codes.ohio.gov/orc/51>.

- 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. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will increase expenditures.

1.3 million

The projected increased expenditures for this waiver is due to the impact of increasing the Community Transition Service maximum allowable reimbursement from \$1500.00 to \$2000.00 and the projected increased utilization of the service resulting from the implementation of HOME Choice 2.0 program. This service is also available on the PASSPORT waiver. However, there is a different fiscal impact to the program than that

found in proposed rule 5160-1-06.1, which is due to the variance in historical utilization of the service in each waiver.

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

Not applicable

- 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**

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? No**

- 16. Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- 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**