

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-3-15

Rule Type: New

Rule Title/Tagline: Preadmission screening and resident review (PASRR) definitions.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
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?** 5164.02
5. **What statute(s) does the rule implement or amplify?** 5164.02, 5119.40
6. **What are the reasons for proposing the rule?**

This rule is being filed new because more than 50% of the current rule has been changed to align with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138. This rule replaces rescinded rule number 5160-3-15, which is being proposed for rescission.

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

Rule 5160-3-15 sets forth the sets forth the definitions for terms contained in rules 5160-3-15.1, 5160-3-15.2, 5122-21-03 and 5123-14-01. This rule replaces rule

5160-3-15, which is being proposed for rescission. Changes to this rule are being made to align with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138 and to clarify current departmental procedures. Other Changes to rule 5160-3-15.2 include:

The definition of "Active treatment" is being removed because it is no longer relevant and is inconsistent with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138.

The definition of "Attending Physician" was added to clarify current departmental procedures.

For purposes of clarity and consistency, the criteria for "developmental disability" was removed and incorporated within the definitions in rule 5123-14-01 of the Administrative Code.

For purposes of clarity and consistency, the criteria for "serious mental illness" was removed and incorporated within the definitions in rule 5122-21-03 of the Administrative Code.

The definition of "emergency nursing facility stay" has been revised to align with the intent and definition found in Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138.

The definition of "ICF/IID" is being removed because it is no longer relevant and is inconsistent with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138.

The definition of "preadmission screening identification (PAS/ID)" was revised with the definition of "level I" for accuracy and consistency with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138.

The terms "Preadmission screening for developmental disabilities (PAS-DD) and Preadmission screening for serious mental illness (PAS-SMI)" were removed throughout the rule and replaced with the term "level II evaluation" to align with the term used in Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138.

The definitions of "Preadmission screening for developmental disabilities (PAS-DD) and Preadmission screening for serious mental illness (PAS-SMI)" were revised into one definition "Level II evaluation" to eliminate redundancy for clarity, accuracy and

consistency with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138.

The definition of "New Admission" was revised to align with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138 and to clarify current departmental procedures.

The definition of "Nursing facility level of service" was added for clarity purposes and in consistency with rules 5122-21-03 and 5123:2-14-01.

The terms "Resident review identification (RR/ID), Resident review for developmental disabilities (RR-DD) and Resident review for serious mental illness (RR-SMI)" were changed throughout the rule and replaced with the term "Resident Review" to provide clarity, eliminate redundancy and to align with the term used in Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138.

The definitions of "Resident review identification (RR/ID), Resident review for developmental disabilities (RR-DD) and Resident review for serious mental illness (RR-SMI)" were removed and replaced with a single definition of "Resident Review" to eliminate redundancy, for clarity, accuracy, readability and consistency with Chapter 42 of the Code of Federal Regulations, Sections 483.100 through 483.138.

- 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. 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).

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.

This rule incorporates one or more dated references to the Social Security Act. This question is not applicable to those references in this rule because such dated references are exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(B)(2). pursuant to RC 121.76(A)(1).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

- 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 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?**

The business community impacted by these rules include Medicaid certified nursing facilities and licensed hospitals. The manual submissions of the federally mandated Level I screening and resident review form currently causes an adverse impact to Medicaid certified nursing facilities and licensed hospitals. The proposed rule will eliminate this adverse impact by more than 50% by requiring that both Level I screenings and resident review submissions be done electronically.

Prior developed estimates made in conjunction with the business community projected that completing the Level I screening and the resident review forms required to initiate the resident review manually takes one person 30 to 60 minutes. We estimate that the average cost for a social worker or hospital discharge planner completing a Level I screening is between \$21.00 - \$31.00/per screening and the cost of a registered nurse or a social worker completing the resident review forms to initiate the resident review manually is between \$31.00 - \$41.00/per review. These amounts are based on 2019 average hourly wage for a social worker of \$20.45/hour, the average hourly wage for a hospital discharge planner of \$20.05/hour and the average hourly

wage for a registered nurse at \$29.47/hour. Electronic submission of screening and resident review forms will reduce the time currently spent on manual submission of screenings and resident review forms by more than 50%.

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