

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-3-80

**Rule Type:** New

**Rule Title/Tagline:** Health Care Isolation Centers.

**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, 5165.02
5. **What statute(s) does the rule implement or amplify?** 5164.02, 5165.02
6. **What are the reasons for proposing the rule?**

The COVID-19 pandemic has created a unique need for isolation and quarantine services in Ohio's nursing facilities. The HCICs are able to meet that need, lessening the demand for hospital beds. They also are an important resource for nursing homes and assisted living facilities that do not have the capacity to safely meet the needs of their residents who have been exposed to or diagnosed with COVID-19.

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

Rule 5160-3-80, entitled Health Care Isolation Centers (HCIC)s, is being proposed for adoption to establish the HCIC service in the Medicaid program. The HCIC service will meet the unique need for isolation and quarantine services as a result of the COVID-19 pandemic. This rule establishes provider qualifications, obligations and staffing for HCICs, establishes isolation, medication and supplies requirements, defines utilization criteria, provides for oversight and closure of HCICs, and defines Medicaid reimbursement for services provided in HCICs.

- 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. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule incorporates one or more references to the Nursing Facility Billing Instructions for Health Care Isolation Center (HCIC) services. The cited billin instructions are generally available to person affected by this rule on the ODM COVID-19 webpage, <https://medicaid.ohio.gov/Portals/0/COVID19/HCIC-Billing-Guidance.pdf>, in accordance with RC Section 121.75(B)(6).

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

The following rule is being refiled to remove all references to House Bill 197 of the General Assembly.

## **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.

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The individuals served in Health Care Isolation Centers (HCICs) would likely have received health care services in other settings.

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

The facility will spend approximately 1 hour to obtain the letter documenting the need for HCIC capacity from the Hospital Zone Lead. This time may vary depending

on individual circumstances surrounding the facility's application and the zone leadership.

The cost of complying with state licensure and federal certification requirements varies depending on facility characteristics, including patient acuity, the physical plant, the business model, and the number of beds. We are unable to calculate an estimated cost given the potential for wide variation among facilities.

The cost of operating an HCIC will vary widely by facility based on the type of service provided, the number of beds included in the HCIC unit, other facility characteristics, and the acuity of the individuals served. As a result, we are unable to estimate the cost to operate a facility.

It is important to note that the Department of Medicaid has established rates that reflect the additional costs that may be incurred by the operator of an HCIC.

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?** No

Nursing facilities who would like to be designated as HCICs must submit a letter from the Hospital Zone Lead documenting the need for the HCIC capacity.
  - 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**

HCICs, like all nursing facilities are subject to state licensure and federal certification requirements. In addition, HCICs are required to meet staffing and other requirements specific to the services being provided.

Operators of HCICs may incur additional costs related to staffing, personal protective equipment and infection control.

- 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? Yes**

A facility that is interested in becoming an HCIC will spend approximately 1 hour to obtain the letter documenting the need for HCIC capacity from the Hospital Zone Lead. This time may vary depending on individual circumstances surrounding the facility's application and the zone leadership.

The cost of operating an HCIC will vary widely by facility based on the type of service provided, the number of beds included in the HCIC unit, other facility characteristics, and the acuity of the individuals served. As a result, we are unable to estimate the cost to operate a facility.

It is important to note that the Department of Medicaid has established rates that reflect the additional costs that may be incurred by the operator of an HCIC.

**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?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?**

Not Applicable