

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-3-90

Rule Type: Amendment

Rule Title/Tagline: Authorization for the Ohio department of developmental disabilities (DODD) to administer the medicaid program for services provided by intermediate care facilities for individuals with intellectual disabilities (ICFs-IID).

Agency Name: Ohio Department of Medicaid

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?** 3/13/2023
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?** 5162.02
5. **What statute(s) does the rule implement or amplify?** 5162.35
6. **What are the reasons for proposing the rule?**

As a result of five-year review, the department determined amendments to the rule were necessary to add clarifying language, remove superfluous language, update Administrative Code references, remove regulatory restrictions and removing inapplicable citations.

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

This rule sets forth the provisions that authorize DODD to administer the Medicaid program services provided by ICFs-IID, and the responsibilities of the Ohio Department of Medicaid to oversee DODD's administration of that program.

The changes to this rule are:

1. Clarifying language is being added and superfluous language is being removed.
2. Administrative Code references are being updated.
3. Regulatory restrictions are being removed throughout the rule.
4. Remove inapplicable citations.

- 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.**

This rule incorporates one or more references to the Revised Code. This question is not applicable to any incorporation by reference to the Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to another rule or rules of the Administrative Code. This question is not applicable to any incorporation by reference to another Administrative Code rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(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. 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.

\$0.00

No impact on current budget.

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

In accordance with paragraph (B) of this rule, during a review by the Department of Medicaid, ICF-IID providers must provide any records related to the administration and/or provision of ICF-IID services to the Department of Medicaid, the Centers for Medicare and Medicaid Services (CMS), the Medicaid Fraud Control Unit, and any of their designees in accordance with the Medicaid provider agreement. This rule does not require the retention of any additional documents. The adverse impact to an ICF-IID provider is difficult to quantify because it is unknown how extensive a review might be, what or how many records a facility might be required to provide, or to how many agencies the documents would have to send records to. It would consist of the hourly wage of the employee multiplied by the number of hours it would take the employee of the facility to identify, retrieve, and send the necessary records.

However, this cost is an existing cost of compliance. There are no new costs of compliance with this rule filing.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes

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

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

In accordance with paragraph (B) of this rule, during a review by the Department of Medicaid, ICF-IID providers must provide any records related to the administration and/or provision of ICF-IID services to the Department of Medicaid, the Centers for Medicare and Medicaid Services (CMS), the Medicaid Fraud Control Unit, and any of their designees in accordance with the Medicaid provider agreement. This rule does not require the retention of any additional documents.

- 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?** Yes

- A. **How many new regulatory restrictions do you propose adding to this rule?** 0

- B. **How many existing regulatory restrictions do you propose removing from this rule?** 4

5160-3-90 (A): remove "shall"

5160-3-90 (B): remove "shall"

5160-3-90 (B): remove "shall"

5160-3-90 (D): remove "required"

- 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

Rule Summary and Fiscal Analysis

Part B - Local Governments Questions

1. Does the rule increase costs for:

A. Public School Districts	No
B. County Government	Yes
C. Township Government	No
D. City and Village Governments	No

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

County governments that operate ICF-IIDs could incur costs of compliance with the proposed rule. The costs of compliance are the following:

In accordance with paragraph (B) of this rule, during a review by the Department of Medicaid, ICF-IID providers must provide any records related to the administration and/or provision of ICF-IID services to the Department of Medicaid, the Centers for Medicare and Medicaid Services (CMS), the Medicaid Fraud Control Unit, and any of their designees in accordance with the Medicaid provider agreement. This rule does not require the retention of any additional documents. The adverse impact to an ICF-IID provider is difficult to quantify because it is unknown how extensive a review might be, what or how many records a facility might be required to provide, or to how many agencies the documents would have to send records to. It would consist of the hourly wage of the employee multiplied by the number of hours it would take the employee of the facility to identify, retrieve, and send the necessary records.

However, this cost is an existing cost of compliance. There are no new costs of compliance with this rule filing.

3. Is this rule the result of a federal government requirement? No

- A. If yes, does this rule do more than the federal government requires? *Not Applicable***
- B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

Not Applicable

4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:

A. Personnel Costs

Personnel costs to identify, retrieve, and send any records related to the administration and/or provision of ICF-IID services to the Department of Medicaid, the Centers for Medicare and Medicaid Services (CMS), the Medicaid Fraud Control Unit, and any of their designees in accordance with the Medicaid provider agreement. This rule does not require the retention of any additional documents. The adverse impact to an ICF-IID provider is difficult to quantify because it is unknown how extensive a review might be, what or how many records a facility might be required to provide, or to how many agencies the documents would have to send records to. It would consist of the hourly wage of the employee multiplied by the number of hours it would take the employee of the facility to identify, retrieve, and send the necessary records.

B. New Equipment or Other Capital Costs

\$0.00

C. Operating Costs

\$0.00

D. Any Indirect Central Service Costs

\$0.00

E. Other Costs

\$0.00

5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.

There are no increased costs to providers associated with this rule filing. All costs of compliance are existing costs.

6. What will be the impact on economic development, if any, as the result of this rule?

There is no discernible impact on economic development as a result of this proposed

rule.