

Rule Summary and Fiscal Analysis (Part A)**Ohio Department of Medicaid**

Agency Name

Tommi Potter

Contact

Division

**50 West Town Street Suite 400 Columbus OH
43218-2709****614-752-3877****614-995-1301**

Agency Mailing Address (Plus Zip)

Phone

Fax

Tommi.Potter@medicaid.ohio.gov

Email

5160-3-90

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

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).**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **5162.02**
5. Statute(s) the rule, as filed, amplifies or implements: **5124.02**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule replaces rule 5160-3-01.1, which is being rescinded as a result of five-year review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the provisions for the Ohio Department of Developmental Disabilities (DODD) to administer Medicaid program services provided by intermediate care facilities for individuals with intellectual disabilities (ICFs-IID).

The differences between this rule and rescinded rule 5160-3-01.1 are:

1. The term "intermediate care facility for the mentally retarded (ICF-MR)" is being replaced with "intermediate care facility for individuals with intellectual disabilities (ICF-IID)" due to a change in terminology.
 2. The Department's name is being updated from the Ohio Department of Job and Family Services (ODJFS) to the Ohio Department of Medicaid (ODM) because of the creation of the Ohio Department of Medicaid.
 3. Ohio Revised Code citations are being updated because Am. Sub. HB 59 of the 130th General Assembly created the Ohio Department of Medicaid, and subsequently relocated and reorganized many Revised Code provisions governing the Medicaid program.
 4. In paragraph (A), a date is being added to a Code of Federal Regulations (C.F.R.) citation in order to comply with Joint Committee on Agency Rule Review (JCARR) rule filing requirements.
 5. In paragraph (B), a typographical error is being corrected.
8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:
- This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(1).
- This rule incorporates one or more references to 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 ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3).
- 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 Code of Federal Regulations because such reference is exempt from compliance with ORC 121.71 to 121.74 in accordance with ORC 121.75(D).
9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Paragraph (A) of this rule is being modified to add state statutory authority for the Ohio Department of Developmental Disabilities (DODD) to adopt rules governing the administration of the ICF-IID program.

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

This proposed rule will not change the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15.

Provide a summary of the estimated cost of compliance with the rule to all

directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

In accordance with paragraph (B) of this rule, oversight reviews of the ICF-IID program may consist in part of interviews of providers and recipients of ICF-IID services. The Department of Medicaid cannot estimate the cost of compliance for providers associated with this provision because the Department does not know how many interviews might be conducted or for how many facilities, or how long any particular interview might be.

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. The Department of Medicaid cannot estimate the cost of compliance associated with this requirement because the Department does not know how extensive a review might be, what or how many records a facility might be required to provide, or to how many agencies.

However, these costs are existing costs of compliance. There are no new costs of compliance with this rule filing.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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.

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Counties 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, oversight reviews of the ICF-IID program may consist in part of interviews of providers and recipients of ICF-IID services. The Department of Medicaid cannot estimate the cost of compliance for providers associated with this provision because the Department does not know how many interviews might be conducted or for how many facilities, or how long any particular interview might be.

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. The Department of Medicaid cannot estimate the cost of compliance associated with this requirement because the Department does not know how extensive a review might be, what or how many records a facility might be required to provide, or to how many agencies.

However, these costs are existing costs of compliance. There are no new costs of compliance with this rule filing.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This

comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The Department of Medicaid cannot estimate the cost of compliance for providers when they are interviewed during oversight reviews of the ICF-IID program because the Department does not know how many interviews might be conducted or for how many facilities, or how long any particular interview might be.

The Department of Medicaid cannot estimate the cost of compliance for an ICF-IID provider to provide any records during a review by the Department of Medicaid related to the administration and/or provision of ICF-IID services because the Department does not know how extensive a review might be, what or how many records a facility might be required to provide, or to how many agencies.

However, these costs are existing costs of compliance. There are no new costs of compliance with this rule filing.

(a) Personnel Costs

The Department of Medicaid cannot estimate the cost of compliance for providers when they are interviewed during oversight reviews of the ICF-IID program because the Department does not know how many interviews might be conducted or for how many facilities, or how long any particular interview might be.

The Department of Medicaid cannot estimate the cost of compliance for an ICF-IID provider to provide during a review by the Department of Medicaid any records related to the administration and/or provision of ICF-IID services because the Department does not know how extensive a review might be, what or how many records a facility might be required to provide, or to how many agencies.

However, these costs are existing costs of compliance. There are no new costs of compliance with this rule filing.

(b) New Equipment or Other Capital Costs

The Department of Medicaid does not expect that the proposed rule will result in any new equipment or other capital costs to Medicaid providers of ICF-IID services.

(c) Operating Costs

The Department of Medicaid does not expect that the proposed rule will result in any operating costs to Medicaid providers of ICF-IID services.

(d) Any Indirect Central Service Costs

The Department of Medicaid does not expect that the proposed rule will result in any indirect central service costs to Medicaid providers of ICF-IID services.

(e) Other Costs

The Department of Medicaid does not expect that the proposed rule will result in any other costs to Medicaid providers of ICF-IID services.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

This proposed rule imposes no new requirements on counties that operate ICFs-IID.

7. Please provide a statement on the proposed rule's impact on economic development.

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