

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-31-03

Rule Type: Amendment

Rule Title/Tagline: Eligibility for enrollment in the PASSPORT HCBS waiver program.

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? 10/16/2018
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? 173.52
6. What are the reasons for proposing the rule?

This rule is being proposed for amendment to update policy relating to the administration of the PASSPORT waiver program.

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

OAC 5160-31-03 establishes the eligibility criteria for enrollment in the PASSPORT waiver. Changes in the rule include: Allowed for continued enrollment when the waiver service plan exceeds the individual cost limit (paragraph A2);

Amended the description of prohibited residential settings to be consistent with OAC 5160-46-02 (paragraph A9) and Other grammatical and technical edits were made throughout.

- 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 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). The eCFR is available online at: <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>.

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>.

- 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

The language in (A)(2) allows for continued enrollment when the waiver service plan exceeds the individual monthly cost limit (A2) to ensure an individual does not lose waiver eligibility due to an identified service need in a single month. This policy change is not projected to impact expenditures because the average monthly waiver service plan costs consistently trend below the maximum individual monthly cost limit.

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