

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

Agency Name

Division

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5160-31-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

PASSPORT HCBS waiver program covered services.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

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: **5166.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5166.02, 173.52**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

For five year rule review and to update policy pertaining to the administration of the PASSPORT program.

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 services that are available under the PASSPORT waiver program.

Changes to this rule include:

- 1) Adding new services in paragraphs (B)(2), (B)(3) and (B)(16), and revising the list of services in paragraphs (B)(1) through (B)(18) in alphabetical order;
- 2) Revising paragraph (C) to replace the term consumer with the term individual;
- 3) Revising paragraph (D) to replace the term consumer with the term individual, update the Ohio Administrative Code reference, and to clarify that the choice to use either the PASSPORT or Home Choice community transition service is at discretion of the individual;
- 4) Amending paragraph (E) to replace the term consumer with the term individual;
- 5) To add new paragraph (F) to specify the services subject to the participant direction authority added to the PASSPORT waiver and identifying which authority identified each service is subject to;
- 6) Update paragraph (G), (G)(1), (G)(2), and (G)(3) to replace the term consumer with the term individual and to clarify that individuals who elect to direct their services must be assessed to determine their ability to fulfill the responsibilities required by managing their service delivery in accordance with rule 173-42-06 of the Administrative Code, and to link participant direction to the services in paragraph (F) of this rule.
- 7) Revised paragraph (H) to replace the term consumer with the term individual, and to update the cross reference to reflect renumbering of paragraphs in the rule.

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 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 ORC 121.71 to 121.74 or pursuant to ORC 121.76.

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:

Not Applicable.

12. 119.032 Rule Review Date: **11/29/2013**

(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 increase expenditures.

\$3,153,600.00

The PASSPORT program is adding new services to the waiver and any new expenditures result from the projected use of these services. This estimate of projected spending is based on the historical utilization of like services in other Medicaid waiver programs. ODM estimates that the proposed program changes will increase expenditures by approximately \$788,400 in SFY 14 and \$2,365,200.00 in SFY 15.

Note that the addition of new services to PASSPORT is expected to result in additional costs to the State. Reimbursement rates for these services will be calculated pursuant to the rate methodology set out in rule 5160-31-07 and subject to the ceilings set out in Appendix A to rule 5160:1-06.1.

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

651525

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:

No new costs.

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? **No**

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? **No**

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	Yes	Yes

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.

The PASSPORT program is adding new services to the waiver and to the extent that counties, townships and municipal corporations providers of services they will benefit from this change by providing and seeking reimbursement for these new covered services.

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 addition of services results in no additional costs for existing providers.

(a) Personnel Costs

The addition of services results in no additional costs for existing providers.

(b) New Equipment or Other Capital Costs

The addition of services results in no additional costs for existing providers.

(c) Operating Costs

The addition of services results in no additional costs for existing providers.

(d) Any Indirect Central Service Costs

The addition of services results in no additional costs for existing providers.

(e) Other Costs

The addition of services results in no additional costs for existing providers.

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.

The addition of services results in no additional costs for existing providers.

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

The addition of services results in no additional costs for existing providers.