

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-31-07
Rule Type: Amendment
Rule Title/Tagline: PASSPORT HCBS waiver program rate setting.
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?** 10/15/2018
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 the policy related to the administration of the PASSPORT waiver program, to align policy policy and service rates in the PASSPORT and Ohio Home Care waiver programs and in compliance with five year rule review.

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

OAC 5160-31-07 sets forth the rate methodologies used to determine provider reimbursement in the PASSPORT waiver program. Changes to the rule include: adding

home delivered meals to the list of services that are reimbursed using a statewide rate in Paragraph (F); removing the homemaker service from the list of services that may be self-directed in Paragraph (G); adding clarifying language to determine when the group rate is paid in Paragraphs (D)(2), (F)(2), (G)(2), and (G)(3); 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 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.

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Home Delivered Meals: There are two amendments proposed that impact the projected expenditures for this service. First, in OAC 5160-1-06.1, there is a change to both regular and therapeutic/ kosher meal rates resulting in a consistent policy and rate with the Ohio Home Care waiver. The maximum allowable statewide rate for a regular meal is \$6.50 per meal. The maximum allowable statewide rate for a therapeutic/kosher meal is \$8.68 per meal. Second, OAC 5160-31-07 is proposed for amendment to eliminate various regional reimbursement rates and adopt a single statewide rate. The combined impact of these proposed changes is projected to result in an increase in expenditures. This impact is reflected in the RSFA for 5160-06.01. 1 which establishes the rates for the service.

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

There are no new costs of compliance associated with the changes to this rule. OAC rule 5160-31-07 requires Ohio Department of Aging (ODA) or their designee to hold a provider agreement with providers of home and community-based services (HCBS). When asked, service providers provided a range of approximate associated costs of compliance from no cost to \$4000.

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? Yes

16. 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? Yes

OAC rule 5160-31-07 requires Ohio Department of Aging (ODA) or their designee to hold a provider agreement with providers of home and community-based services (HCBS).

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