

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

Agency Name

Division

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5160-31-07

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

PASSPORT HCBS waiver program rate setting.**RULE SUMMARY**

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

This rule is being filed for five year rule review and to update reimbursement policy in the PASSPORT waiver.

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 method the State uses to set rates in the PASSPORT waiver. The proposed rule will stand in the place of the current rule 5160-31-07.

This rule has been redrafted in order to more clearly organize and convey to the reader how the State sets the reimbursement rates for each service provided in the PASSPORT waiver. Major differences between this and the rescinded rule include:

- 1) Reorganizing the rule to more clearly indicate which PASSPORT services are reimbursed using the methods listed in the rule;
- 2) Clearly describing that rates for certain services may be regional or statewide, or reimbursed using a group rate under certain circumstances, or participant-directed.
- 3) The addition of new services in PASSPORT including a description of the participant-direction authorities available to individuals enrolled in the waiver.

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:

(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 revenues.

\$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.

This rule sets forth the State's method for setting rates in the PASSPORT waiver program. 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.

This rule sets forth the State's method for setting rates in the PASSPORT waiver program. As a result there are no new comprehensive costs.

(a) Personnel Costs

This rule sets forth the State's method for setting rates in the PASSPORT waiver program. As a result there are no new personnel costs.

(b) New Equipment or Other Capital Costs

This rule sets forth the State's method for setting rates in the PASSPORT waiver program. As a result there are no new equipment or capital costs.

(c) Operating Costs

This rule sets forth the State's method for setting rates in the PASSPORT waiver program. As a result there are no new operating costs.

(d) Any Indirect Central Service Costs

This rule sets forth the State's method for setting rates in the PASSPORT waiver program. As a result there are no new indirect central service costs.

(e) Other Costs

This rule sets forth the State's method for setting rates in the PASSPORT waiver program. As a result there are no other costs.

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 rule sets forth the State's method for setting rates in the PASSPORT waiver program. As a result there are no additional costs.

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

This rule sets forth the State's method for setting rates in the PASSPORT waiver program. As a result there is no anticipated impact on economic development.