

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

Agency Name

Division

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5160-31-07

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

PASSPORT HCBS waiver program rate setting.**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: **5166.02**
5. Statute(s) the rule, as filed, amplifies or implements: **173.52**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for amendment to revise the rate setting policy for the personal care service.
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:

The purpose of this rule is to describe the methods used to determine provider rates

for the PASSPORT waiver program.

Paragraph (F) is being amended to apply the statewide rate methodology to all personal care services, regardless of provider type.

Paragraph (G) is being amended to eliminate the personal care service from the list of services subject to the regional rate methodology described in Paragraph (C)(3).

In addition, terminology is updated, replacing "consumer" with "individual" and adding person-centered references where appropriate.

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 Ohio Revised Code because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76.

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:

The reference to shared living service was removed from Paragraph (F).

12. Five Year Review (FYR) Date: **6/30/2019**

(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.

\$11,499.794.66

Personal Care Service Maximum Reimbursement

The net impact of the proposed change for the last six months of the current biennium could result in an increase in expenditures of approximately \$11,499.794.66 (all funds).

Please note this projection is also included in the RSFA for rules 5160-1-06.1 and 5160-31-05 and represents an aggregate estimate in total additional program spending.

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 will be incurred by directly affected personal as a result of the modifications to the rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

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? **Yes**

In Paragraph (C)(3)(b), the rule requires the business to have a contract with the Ohio Department of Aging or it's designee.

In paragraph (C)(3)(c), the rule requires ODA's designee to agree in writing to the cost of a home medical equipment item when the cost of the item does not have an established medicaid rate.

In paragraph (H)(2), the rule requires an ODA-certified participant-directed individual provider to have a signed agreement with the individual before providing the choices home care attendant service.

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 paragraph (E)(3)(a) and (H)(3), the rule requires ODA's designee to review and document the cost of the item on the individual's person-centered plan when the cost of the item or reimbursement rate for a service is negotiated by the individual.