

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-32-04

**Rule Type:** New

**Rule Title/Tagline:** Electronic visit verification (EVV) program providers.

**Agency Name:** Ohio Department of Medicaid

**Division:**

**Address:** 50 West Town Street Suite 400 Columbus OH 43218-2709

**Contact:** Tommi Potter **Phone:** 614-752-3877

**Email:** Tommi.Potter@medicaid.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?**
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?** 5164.02
5. **What statute(s) does the rule implement or amplify?** 5164.02
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule establishes Ohio medicaid service provider requirements for services subject to EVV as described in rule 5160-32-01 of the Administrative Code.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes Ohio medicaid service provider requirements for services subject to EVV as described in rule 5160-32-01 of the Administrative Code. Including initial and ongoing training requirements, maintenance of records, and the state provided electronic device distribution process.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, 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 121.75.

This rule incorporates one or more references to the Revised Code. Such reference is exempt from compliance with incorporation by reference requirements pursuant to ORC 121.75.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The content of the rule has not changed, the rule was revised to correct issue of appearance of the CSIO files.

## **II. Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

Not Applicable.

Not Applicable.

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

\*General administrative expenses for training providers on the use of EVV program requirements.

\*Staff time for maintenance of records and the process for managing state electronic devices.

The cost of compliance is difficult to quantify and are dependent on time required for compliance.

- 14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

### **III. Common Sense Initiative (CSI) Questions**

- 17. **Was this rule filed with the Common Sense Initiative Office? Yes**
- 18. **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? 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? Yes**

General administrative expenses for training providers on the use of EVV program requirements.
  - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

Initial training is necessary for providers and FMS vendors to begin utilizing the EVV program.

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

**A. How many new regulatory restrictions do you propose adding to this rule? 2**

5160-32-04 (A) "Requirements" to be added

5160-32-04 (D)(2) "Requiring" to be added

**B. How many existing regulatory restrictions do you propose removing from this rule? 0**

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

5160-1-40

**D. Please justify the adoption of the new regulatory restriction(s).**

For (A) This rule establishes Ohio medicaid service provider requirements for services subject to EVV as described in rule 5160-32-01 of the Administrative Code.; the restriction in reference is the federal requirement for EVV participation as outlined in the American Cares Act. For the second restriction: (D) (2) When a provider is no longer providing services requiring EVV- the reference is in regard to federal requirements for services requiring EVV.