Rule Summary and Fiscal Analysis
<u>Part A</u> - General Questions

Rule Number:	5160-33-03
Rule Type:	New
Rule Title/Tagline:	Eligibility for the medicaid funded component of the assisted living program.
Agency Name:	Ohio Department of Medicaid
Division:	
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I.   <u>Rule Summary</u>

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?** 119.03, 5166.02

5.   **What statute(s) does the rule implement or amplify?** 173.54

6.   **What are the reasons for proposing the rule?**

This rule is being proposed to update the eligibility policy for the assisted living waiver program and is replacing a rule of the same number.

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

This rule establishes the eligibility criteria for waiver enrollment. The rule language is being re-organized for clarity to make a distinction between the eligibility criteria and the enrollment process and to clarify the room and board policy. No changes to the

eligibility criteria are proposed.

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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.**

    This rule is being revised filed to correct the reference to the authorizing statute.

    07/15/2019 Revised formatting in paragraph (B)(5) to comply with rule writing standards.

    07/10/2019 Replaced a reference to (A)(5) with (B)(5).
    Removed the word "waiver" throughout to be consistent with related rules in OAC 173-39 and for simplification.
    Removed one of two occurrences of the word "licensed" for simplification.
    Replaced the word "approved" with "certified" to be consistent with related rules in OAC 173-39.

II.   <u>Fiscal Analysis</u>

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.

    0.00

    N/A

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

     Not applicable

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?** No

16. **Does this rule have an adverse impact on business?** No

     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