

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

Agency Name

Division

**Tommi Potter**

Contact

**50 Town St 4th floor Columbus OH 43218-2709**

Agency Mailing Address (Plus Zip)

**614-752-3877**

Phone

**614-995-1301**

Fax

**tommi.potter@medicaid.ohio.gov**

Email

**5160-33-04**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Enrollment process for assisted living home and community based services (HCBS) waiver program.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
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: **173.54**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
 

This rule is being proposed for amendment to comply with the 5 year rule review requirement.
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 enrollment process for individuals entering the Assisted Living waiver. The rule is being amended to update terminology and update rule citations.

The proposed terminology changes include:

Replace "PASSPORT Administrative Agency" with "ODA's designee".

Replace "consumer" with "individual."

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 dated references to the Ohio Revised Code. This question is not applicable to any dated incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.76(A)(1).

This rule incorporates one or more dated references to the Ohio Administrative Code. This question is not applicable to any dated incorporation by reference to the Ohio Administrative Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.76(A)(3).

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. Five Year Review (FYR) Date: **12/27/2016**

(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 have no impact on revenues or expenditures.

0.00

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

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:

Not applicable

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? **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? **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**

The rule requires ODA's designee conduct an in-person assessment to determine eligibility for the assisted living waiver program, to establish a waiver program enrollment date and authorize the provision of waiver services.

**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	No	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.

The Ohio Department of Medicaid supplies funding to Ohio's 88 counties through the Ohio Department of Job and Family Services, Bureau of County Finance and Technical Assistance. This funding is intended to properly supply counties with enough funding to conduct eligibility determinations and casework for the Medicaid Program. State funds are supplied for matching through a mechanism called the Income Maintenance (IM) Allocation. As expenditures are charged, the federal portion of these expenditures is also supplied to the counties. Each county operates daily at different work levels and funds the work done locally differently. Historically, counties have not reported spending in excess of allocation and it is not expected that this change to policy would greatly change that dynamic.

Pursuant to the three-party agreements with ODM and ODA, the PASSPORT Administrative Agencies (PAAs) serve as ODA's designee. Each PAA varies in business model, size of the organization, infrastructure, and size of caseloads. ODA establishes the site operating budget for each PAA. This funding is intended to properly supply the PAA with enough funding to complete in-person assessments to determine waiver eligibility and provide ongoing case management for individuals enrolled in the waiver. Through the interim payment process outlined in the three-party agreement, ODM requests and deposits the federal share of allocated ODA administrative allowable costs and processes inter agency fund transfers. Historically, the PAAs have not reported spending in excess of the established site operating budgets and it is not expected that this change to policy would greatly change that dynamic.

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.

The Department of Medicaid anticipates that the County Departments of Job and Family Services(CDJFS) will incur training costs. However, each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of allocation and it is not expected that this change to policy would greatly change that dynamic.

There may be an increase in training costs for the PAAs as a result of the proposed rule. The costs will vary by based on the PAA's infrastructure and size of caseloads. Historically the PAAs have not reported that training costs results in spending in excess of site operating budget and it is not expected that this change to policy would greatly change that dynamic.

**(a) Personnel Costs**

There may be an increase in personnel costs for the CDJS offices as a result of the proposed rule. However, each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of allocation and it is not expected that this change to policy would greatly change that dynamic.

There may be an increase in personnel costs for the PAAs as a result of the proposed rule. The personnel costs will vary based on the current staffing patterns,infrastructure and size of caseloads. Historically the PAAs have not reported personnel costs results in spending in excess of site operating budget and it is not expected that this change to policy would greatly change that dynamic.

**(b) New Equipment or Other Capital Costs**

The Department of Medicaid does not expect any changes in new equipment

or capital costs for either the CDJFS or the PAAs.

(c) Operating Costs

The CDJFS may incur increased operating costs. However, each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of allocation and it is not expected that this change to policy would greatly change that dynamic.

There may be an increase in operating costs for the PAAs as a result of the proposed rule. The costs will vary based on the the PAAs current business model, the size of the organization, and size of caseloads. Historically the PAAs have not reported spending in excess of site operating budget and it is not expected that this change to policy would greatly change that dynamic.

(d) Any Indirect Central Service Costs

The CDJFS may incur increased indirect central service costs. However, each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of allocation and it is not expected that this change to policy would greatly change that dynamic.

There may be an increase in indirect central service costs for the PAAs as a result of the proposed rule. The costs will vary based on the the PAAs current business model, the size of the organization, and size of caseloads. Historically the PAAs have not reported spending in excess of site operating budget and it is not expected that this change to policy would greatly change that dynamic.

(e) Other Costs

Not applicable.

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.

Local governments are not expected to incur additional costs as a result of the proposed rule.

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

There is no discernible impact on economic development.