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

Rule Number: 5160-41-17

Rule Type: Rescission

Rule Title/Tagline: Medicaid home and community-based services program - self-empowered life funding waiver.

Agency Name: Ohio Department of Medicaid

Division:

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I.   <u>Rule Summary</u>

1. **Is this a five year rule review?** Yes

    A. **What is the rule's five year review date?** 3/1/2024

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?** 5166.02

5. **What statute(s) does the rule implement or amplify?** 5164.25, 5166.04, 5166.20, 5162.35

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?**

    To update change in ODM policy related to the administration of the Home and Community Based Medicaid program. In addition, reformatting of rule content for administration of the program.

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

    Rule 5160-41-17, (rescind) entitled Medicaid home and community-based services program-self-empowered life funding waiver. The rule was reviewed to remove an Appendix K flexibility that ended with the Covid-19 Public Health Emergency. The rule was also reformatted to align language and update references. The rule is being proposed for rescission as the reformatting altered more than fifty percent of the document. It will be replaced with a rule of the same name and number. The rule

    authorizes the Department of Developmental Disabilities to oversee the day-to-day operations of the Home and Community Based Services Self-Empowerment Life Funding (SELF) waiver program for individuals with a developmental disability level of care. The Appendix K flexibility of allowing state agency provider certifications to be accepted among different agencies has been removed. Rule language also outlines purpose, definitions, request for a referral, eligibility, enrollment, continued enrollment, limits on services, service plan requirements, provision of services, provider payment standards and monitoring, compliance, and sanctions.

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. 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 pursuant to ORC 121.75(A)(1)(d).
    This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A)(1)(a).
    This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(a).

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

    Not Applicable

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.

    0

    Not Applicable.

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

    Not Applicable.

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?** No

18. **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

    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?** No

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?** 0

        B.   **How many existing regulatory restrictions do you propose removing from this rule?** 63

           5160-41-17 (D)(1) – "must" to be removed

           5160-41-17 (E)(1)(a) – "shall" to be removed

           5160-41-17 (E)(1)(b) – "shall" to be removed

           5160-41-17 (E)(1)(c) – "shall" to be removed

           5160-41-17 (E)(2) – "shall" to be removed

           5160-41-17 (E)(3) – "must" to be removed

           5160-41-17 (E)(4) – "shall" to be removed

           5160-41-17 (E)(5) – "shall" to be removed

           5160-41-17 (E)(5) – "must" to be removed

           5160-41-17 (E)(6) – "shall not" to be removed

           5160-41-17 (E)(7) – "require" to be removed

           5160-41-17 (E)(7) – "must" to be removed

           5160-41-17 (E)(7) – "require" to be removed

5160-41-17 (E)(7) – "required" to be removed

5160-41-17 (E)(7) – "must" to be removed

5160-41-17 (E)(7) – "must" to be removed

5160-41-17 (H)(2) – "shall" to be removed

5160-41-17 (H)(3) – "shall" to be removed

5160-41-17 (H)(3) – "required" to be removed

5160-41-17 (H)(3)(a) – "shall" to be removed

5160-41-17 (H)(3)(b) – "shall" to be removed

5160-41-17 (H)(3)(c) – "shall" to be removed

5160-41-17 (H)(3)(d) – "shall" to be removed

5160-41-17 (H)(3)(e) – "shall" to be removed

5160-41-17 (I) – "shall" to be removed

5160-41-17 (J)(2) – "shall" to be removed

5160-41-17 (J)(3) – "shall" to be removed

5160-41-17 (J)(4) – "shall" to be removed

5160-41-17 (J)(5) – "shall" to be removed

5160-41-17 (L) – "shall" to be removed

5160-41-17 (E)(8) – "shall" to be removed

5160-41-17 (E)(8) – "shall" to be removed

5160-41-17 (E)(8) – "shall" to be removed

5160-41-17 (G) – "shall" to be removed

5160-41-17 (H)(1) – "shall" to be removed

5160-41-17 (H)(1) – "require(ments)" to be removed

5160-41-17 (H)(2) – "require(ments)" to be removed

5160-41-17 (H)(2) – "shall" to be removed

5160-41-17 (H)(3)(a) – "require(d)" to be removed

5160-41-17 (H)(3)(b) – "require(d)" to be removed

5160-41-17 (H)(3)(b)(i) – "require(d)" to be removed

5160-41-17 (H)(3)(b)(i) – "shall" to be removed

5160-41-17 (H)(3)(b)(ii) – "require(d)" to be removed

5160-41-17 (H)(3)(b)(ii) – "shall" to be removed

5160-41-17 (H)(3)(b)(iii) – "require(d)" to be removed

5160-41-17 (H)(3)(b)(iii) – "shall" to be removed

5160-41-17 (H)(3)(b)(iv) – "require(d)" to be removed

5160-41-17 (H)(3)(b)(iv) – "shall" to be removed

5160-41-17 (H)(3)(c) – "shall" to be removed

5160-41-17 (H)(3)(d)(i) – "shall" to be removed

5160-41-17 (H)(3)(d)(ii) – "shall" to be removed

5160-41-17 (H)(3)(d)(iii) – "shall" to be removed

5160-41-17 (H)(3)(d)(iv) – "shall" to be removed

5160-41-17 (H)(3)(d)(v) – "shall" to be removed

5160-41-17 (H)(3)(d)(vi) – "shall" to be removed

5160-41-17 (H)(3)(e)– "shall" to be removed

5160-41-17 (H)(3)(f)– "shall" to be removed

5160-41-17 (I)– "shall" to be removed

5160-41-17 (I)– "shall" to be removed

5160-41-17 (J)(1)– "shall" to be removed

5160-41-17 (L)– "shall" to be removed

5160-41-17 (L)– "shall" to be removed

5160-41-17 (M)(2)– "require(d)" to be removed

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

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

Not Applicable