

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-42-01

Rule Type: Amendment

Rule Title/Tagline: Medicaid home and community-based services program - level one waiver.

Agency Name: Ohio Department of Medicaid

Division:

Address: 50 Town St 4th floor 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?** 5/1/2022
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?** 5166.04, 5164.25, 5162.35, 5166.20
6. **What are the reasons for proposing the rule?**

This rule is being filed to add new services to the Level One waiver.

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

The purpose of this rule is to establish the Level One waiver as a component of the Medicaid home and community-based services program pursuant to sections 5166.02

and 5166.20 of the Revised Code. The following changes were made to the proposed rule:

Paragraph (F) was amended to add Participant-directed Homemaker/personal care and Waiver nursing delegation as new services under the waiver.

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. 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 121.76(A)(3).

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 121.76(A)(1).

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).

10. **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

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

The change to this rule will not have an impact on the budget of the Ohio Department of Medicaid. However, the Ohio Department of Developmental Disabilities estimates

that the filing of this rule will cost an estimated \$7.6 million to add the new waiver service. A waiver amendment was submitted to the Centers for Medicare and Medicaid (CMS) to add Participant-directed Homemaker/personal care and Waiver nursing delegation to the Level One waiver. Participant-directed homemaker/personal care is being carved out of Routine Homemaker/ personal care and will be funded separately. Waiver nursing delegation will be added as a new service available under the waiver. The proposed effective date of the amendment is January 1, 2018.

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

The estimated cost of compliance will vary for the County Boards of Developmental Disabilities (CBsDD). Each CBDD is responsible for the non-federal share of the costs of providing services to individuals with developmental disabilities within their county. The cost to the county will be impacted by the total number of individuals enrolled in home and community-based waivers in their county.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes

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

The Ohio Department of Developmental Disabilities filed rules pertaining to the waiver services under Chapter 5123:2-9 of the Administrative Code. Business Impact Analysis (BIA) # 691765 was assigned to the rule package and contains information pertaining to impact. The Ohio Department of Medicaid rules in this package are authorization rules for the DODD rules referenced in BIA #691765.

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

Rule Summary and Fiscal Analysis

Part B - Local Governments Questions

1. Does the rule increase costs for:

A. Public School Districts	No
B. County Government	Yes
C. Township Government	No
D. City and Village Governments	No

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

The cost of compliance will vary for each County Board of Developmental Disabilities (CBDD). The County Boards of Developmental Disabilities are responsible for paying the non-federal share of waiver services in their counties. This amount may vary depending on the size of the county and the number of individuals enrolled in a waiver in each county. The Ohio Department of Developmental Disabilities projects that the non-federal share of funds will increase with the creation of the new services available under the waiver.

3. Is this rule the result of a federal government requirement? No

A. If yes, does this rule do more than the federal government requires? *Not Applicable*

B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?

Not Applicable

4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:

A. Personnel Costs

Personnel costs estimate for the proposed rule will vary for each County Board of Developmental Disabilities. The CBDDs are responsible for paying the non-federal share of waiver services in their counties. This amount may vary

depending on the size of the county and the number of individuals enrolled in a waiver in each county.

B. New Equipment or Other Capital Costs

New Equipment or Other Capital costs estimate for the proposed rule will vary for each County Board of Developmental Disabilities. The CBDDs are responsible for paying the non-federal share of waiver services in their counties. This amount may vary depending on the size of the county and the number of individuals enrolled in a waiver in each county.

C. Operating Costs

Operating costs for the proposed rule will vary for each County Board of Developmental Disabilities. The CBDDs are responsible for paying the non-federal share of waiver services in their counties. This amount may vary depending on the size of the county and the number of individuals enrolled in a waiver in each county.

D. Any Indirect Central Service Costs

Any Indirect Central Service costs for the proposed rule will vary for each County Board of Developmental Disabilities. The CBDDs are responsible for paying the non-federal share of waiver services in their counties. This amount may vary depending on the size of the county and the number of individuals enrolled in a waiver in each county.

E. Other Costs

Other costs for the proposed rule will vary for each County Board of Developmental Disabilities. The CBDDs are responsible for paying the non-federal share of waiver services in their counties. This amount may vary depending on the size of the county and the number of individuals enrolled in a waiver in each county.

5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.

The County Boards of Developmental Disabilities are responsible for paying the non-federal share of waiver services in their counties. This amount may vary depending on the size of the county and the number of individuals enrolled in a waiver in each county. The Ohio Department of Developmental Disabilities estimates that the non-federal share of funds will increase with the creation of the new services available under the waiver.

6. What will be the impact on economic development, if any, as the result of this rule?

The proposed rule will not have an impact on economic development.