

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-44-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Nursing facility-based level of care home and community-based services programs: person-centered planning.

**Agency Name:** Ohio Department of Medicaid

**Division:**

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

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#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 3/11/2024
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? 5162.02, 5162.03, 5166.02
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 is being proposed for amendment to add requirements for documentation standards and also pursuant to five-year rule review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule sets forth the person-centered planning process for individuals receiving home and community-based services through either an Ohio Department of Medicaid or an Ohio Department of Aging administered waiver program. Proposed amendments are pursuant to five-year rule review.

The proposed amendments to this rule include the following:

- \* Update the title of the rule to include documentation standards
- \* Update the effective dates for statutory citations
- \* Update terminology
- \* Add the requirement to identify all services and supports including those provided through private insurance, medicare, medicaid state plan, and waiver services
- \* Add documentation standards

- 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 another rule or rules of the Code of Federal Regulations (CFR). This question is not applicable to any incorporation by reference to another CFR 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 another rule or rules of the Social Security Act. This question is not applicable to any incorporation by reference to another Social Security Act rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 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.**

*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.

\$0.00

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? 45

5160-44-02(A)(1) "Shall" to be removed

5160-44-02(A)(4) "Shall" to be removed

5160-44-02(A)(6) "Must" to be removed

5160-44-02(B)(1)(a) "Must" to be removed

5160-44-02(B)(2) "Must" to be removed

5160-44-02(B)(2) "Must" to be removed

5160-44-02(B)(3) "Must" to be removed

5160-44-02(B)(3)(a) "Must" to be removed

5160-44-02(B)(3)(c) "Shall" to be removed

5160-44-02(A)(2) "Shall" to be removed

5160-44-02(A)(3) "Shall" to be removed

5160-44-02(A)(4) "Shall" to be removed

5160-44-02(A)(5) "Shall" to be removed

5160-44-02(A)(7) "Shall" to be removed

5160-44-02(A)(8) "Shall" to be removed

5160-44-02(B)(1)(b) "Must" to be removed

5160-44-02(B)(1)(c) "Must" to be removed

5160-44-02(B)(1)(d) "Must" to be removed

5160-44-02(B)(1)(e) "Must" to be removed

5160-44-02(B)(1)(f) "Must" to be removed

5160-44-02(B)(1)(g) "Must" to be removed

5160-44-02(B)(1)(h) "Must" to be removed

5160-44-02(B)(1)(i) "Must" to be removed

5160-44-02(B)(2)(a) "Requirements" to be removed

5160-44-02(B)(2)(b) "Requirements" to be removed

5160-44-02(B)(2)(c) "Requirements" to be removed

5160-44-02(B)(2)(d) "Requirements" to be removed

5160-44-02(B)(2)(e) "Requirements" to be removed

5160-44-02(B)(2)(f) "Requirements" to be removed

5160-44-02(B)(2)(g) "Requirements" to be removed

5160-44-02(B)(2)(h) "Requirements" to be removed

5160-44-02(B)(2)(a) "Must" to be removed

5160-44-02(B)(2)(b) "Must" to be removed

5160-44-02(B)(2)(c) "Must" to be removed

5160-44-02(B)(2)(d) "Must" to be removed

5160-44-02(B)(2)(e) "Must" to be removed

5160-44-02(B)(2)(f) "Must" to be removed

5160-44-02(B)(2)(g) "Must" to be removed

5160-44-02(B)(2)(h) "Must" to be removed

5160-44-02(B)(3)(a) "Must" to be removed

5160-44-02(B)(3)(b) "Must" to be removed

5160-44-02(B)(3)(c) "Must" to be removed

5160-44-02(B)(3)(d) "Must" to be removed

5160-44-02(B)(3)(e) "Must" to be removed

5160-44-02(B)(3)(f) "Must" 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