

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-44-12

Rule Type: New

Rule Title/Tagline: Nursing facility-based level of care home and community-based services programs: home maintenance and chore services.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

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?** 5166.02
5. **What statute(s) does the rule implement or amplify?** 5162.03, 5164.02, 5166.02
6. **What are the reasons for proposing the rule?**

This rule is being proposed as new to update policy relating to the administration of the nursing facility-based level of care home and community-based services waivers.

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

This rule sets forth the definitions of services, provider requirements and specifications for the delivery of home maintenance and chore services

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>. OAC Aging rules may be found online at: <http://codes.ohio.gov/173>.

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 to remove the words "improves, restores, or" from the definition of the home maintenance and chore service. This change is being made to provide greater consistency with the Center for Medicare and Medicaid Services' (CMS) definition of chore services.

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 increase expenditures.

\$468,833

The addition of home maintenance and chore services to the Ohio Home Care Waiver as a result of nursing facility-level of care waiver alignment is projected to result in an increase of \$976,427 over the SFY 20/21 biennium (i.e., \$468,833 in SFY 20 and \$507,594 in SFY 21). The Medicaid maximum reimbursement for the service is \$10,000 per year unless prior authorized by ODM.

The reimbursement schedule for the service set forth in this proposed rule is located in proposed OAC rule 5160-46-06. Programmatic costs associated with this policy are reported in this RSFA.

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

Costs of compliance with this rule are those associated with the process of becoming an ODM-approved or ODA-certified home maintenance and chore service provider. The provider must be an agency or non-agency provider that has been approved by ODM or certified by ODA as a Medicaid provider of home maintenance and chore services.

Home maintenance and chore service providers must submit a fixed cost proposal to perform the services submitted under a referral issued by ODM, ODA or their designee regarding an individual's service needs. The proposal must be good for the term of the proposal, and can only be adjusted for good cause if modified in writing, and approved by ODM, ODA or their designee.

The provider must also:

Maintain and upon request, furnish proof of appropriate qualifications to perform services requiring specialized skills such as electrical, heating/ventilation and plumbing work.

Maintain and upon request, furnish proof of licensure, insurance and bonding for services from applicable jurisdictions.

Maintain and upon request, furnish a list of the chemicals or substances used for each proposal.

Furnish to the individual and ODM, ODA or their designee a warranty that covers the workmanship and materials involved in performing the service, as applicable.

Provide documentation to ODM, ODA or their designee that the service was completed in accordance with the agreed upon specifications using the materials and equipment cited in the proposal.

Provide documentation to ODM, ODA or their designee that the service was tested, is in proper working order and is usable by the individual, if 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? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

The provider must be an agency or non-agency provider that has been approved by ODM or certified by ODA as a Medicaid provider of home maintenance and chore services.

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

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