

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-44-16

Rule Type: Amendment

Rule Title/Tagline: Nursing facility-based level of care home and community-based services programs: personal emergency response systems.

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?** 1/1/2024
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?** 5162.03, 5166.02, 5164.02
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update policy related to the administration of Ohio's nursing facility level of care HCBS waiver programs, and to make permanent during the ongoing COVID-19 public health emergency those emergency rule changes resulting from Executive Order 2020-23D.

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

Rule 5160-44-16 sets forth the service description, equipment specifications, personal emergency response systems (PERS) limitations, and PERS provider requirements. The proposed amendment permits the Ohio Department of Medicaid and the Ohio Department of Aging to deem any ODM, ODA or Ohio Department of Developmental Disabilities waiver provider as having satisfied ODM or ODA requirements for same or similar services. Paragraph (D)(4) is modified to indicate that the initial PERS equipment demonstration can be conducted by telephone or electronically, unless the individual's needs require a face-to-face visit.

8. **Does the rule incorporate material by reference? No**
9. **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.**

Not Applicable

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. **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.

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

There are no new costs of compliance associated with implementation of this rule.

Personal emergency response service (PERS) providers are required to do the following:

- Provide individuals with training on how to use PERS equipment.
- Notify the designated responder when activating the individual's PERS equipment and on an annual basis thereafter as part of the monthly service. At a minimum, notification shall include directions on how to respond when an alarm is signaled.
- If the provider cannot assist an individual with an assessed need, the provider shall notify ODM, ODA or their designee, in writing of the service limitations before the provider is included in the individual's person-centered services plan.
- Notify ODM, ODA or their designee of any emergency involving an individual no more than twenty-four hours after the individual sends the alarm signal.
- Notify ODM, ODA or their designee of any emergency involving an individual no more than twenty-four hours after the individual sends the alarm signal.
- Contact emergency service personnel in the event a provider receives an alarm signal, but the station cannot reach a designated responder.

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**
15. **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

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **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? 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**

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- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** No

- A. **How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. **How many existing regulatory restrictions do you propose removing?**

Not Applicable