

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-44-16

Rule Type: New

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?**
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 as new to update the policy related to the administration of the Ohio Home Care waiver program and to align policy related to the PASSPORT and Ohio Home Care Waiver programs.

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.

This rule is being proposed as new to implement PERS in Chapter 5160-44 of the Administrative Code. It replaces language currently set forth in Rule 5160-46-04 of the Administrative Code. Differences between this rule and rule 5160-46-04 include: changing the service name from Emergency Response Services (ERS) to Personal Emergency Response Systems (PERS) throughout; adding references to ODA throughout; removing provider conditions of participation that are being incorporated into new OAC rule 5160-44-31; requiring in Paragraphs (B) and (D) that PERS equipment be appropriate to meet the assessed needs of the individual as authorized on their person-centered services plan; adding language in Paragraph (B)(1) that wearable water-resistant activation PERS devices meet generally-accepted industry standards for water resistance; providing greater emphasis on individuals' varying needs and personal preferences as authorized on their person-centered service plans in Paragraph (D)(2); adding language in Paragraph (D)(5) that the provider ensures the availability of language assistance in the event an individual has limited English language proficiency; updating the requirements in Paragraph (D)(6) regarding the written response plan; adding a provision in paragraph (D)(9) that the provider shall notify ODM, ODA or their designee in writing of service limitations before the provider is included in the individual's person-centered services plan; adding provider staffing requirements to comprise a central monitoring station located in the US in Paragraph (D)(10); adding a requirement in Paragraph (D)(15) requiring the provider to notify ODM, ODA or their designee when a pattern of frequent false alarms has been established for an individual; updating the documentation requirements for PERS providers in Paragraph (E); and other grammatical and technical edits throughout.

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. 121.71 to 121.76, 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. **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

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. OAC rule 5160-44-16 requires providers to maintain documentation related to the individual and services provided which may result in administrative costs.

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? 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

OAC rule 5160-44-16 requires providers to maintain documentation related to the individual and services provided which may result in administrative costs.