

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-44-26

Rule Type: Amendment

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

Agency Name: Ohio Department of Medicaid

Division:

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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? 11/15/2019
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?

OAC 5160-44-26 is being proposed for amendment to update policy relating to the administration of the nursing facility-based level of care home and community-based services waivers. Specifically, it will remove language based on waiver feedback from the Centers for Medicare and Medicaid Services (CMS) that purchase of food cannot be included under community transition services due to the Medicaid room and board exclusion.

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

OAC 5160-44-26 sets forth the service description, limitations, provider qualifications and requirements, and clinical record keeping requirements for community transition 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. 121.75 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 Administrative Code. This question is not applicable to any incorporation by reference to another Administrative Code rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1). OAC Medicaid rules may be found online at: <http://codes.ohio.gov/oac/5160>.

- 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

This amendment will not increase or decrease revenues or expenditures.

- 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 associated with the process of becoming an ODM-approved or ODA-certified community transition service provider. Providers shall be either:

An ODM-approved or ODA-certified waiver agency provider;
An ODM-approved or ODA-certified non-agency provider;
A transition coordination service provider under contract with ODM that is also an ODM-approved or ODA-certified waiver agency or non-agency provider; or

An ODA-certified assisted living waiver service provider.

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? Yes

Providers shall be either:

An ODM-approved or ODA-certified waiver agency provider;

An ODM-approved or ODA-certified non-agency provider;

A transition coordination service provider under contract with ODM that is also an ODM-approved or ODA-certified waiver agency or non-agency provider; or

An ODA-certified assisted living waiver service provider.

- 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