

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-44-26

Rule Type: New

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:

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

Contact: Tommi Potter

Email: tommi.potter@medicaid.ohio.gov **Phone:** 614-752-3877

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 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. 121.71 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>.

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 increase expenditures.

\$644,000

The addition of community transition services to the Ohio Home Care Waiver as a result of the shift of the service from HOME Choice and nursing facility-level of care waiver alignment is projected to result in an increase of \$1,330,000 in expenditures over the SFY 20/21 biennium (\$644,000 in SFY 20 and \$686,000 in SFY 21). The maximum allowable reimbursement for the service is \$2,000 per person.

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 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

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
- 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