

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-45-04

Rule Type: Amendment

Rule Title/Tagline: Ohio department of medicaid (ODM) -administered waiver program: provider enrollment process.

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?** 7/16/2021
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 for amendment pursuant to five year rule review, and to update policy related to the administration of Ohio department of Medicaid (ODM) administered HCBS waiver programs and the ongoing COVID-19 public health emergency.

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

This rule sets forth the enrollment process for Ohio Department of Medicaid (ODM) administered waiver service providers. Proposed changes include updated terminology and rule-citations, so as not to duplicate requirements found in other Administrative Code rules.

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 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 121.75.

This rule incorporates one or more references to another rule or rules of the Ohio Revised Code (ORC). This question is not applicable to any incorporation by reference to another ORC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The change made in the re-filed version of this rule is in paragraph B. The change is the removal of language referring to a specific system and instead only referring to another Ohio Administrative Code rule.

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.

N/A

Not Applicable

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

Not 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**
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**

This rule requires someone to enroll as a Medicaid provider; this is a form of prior authorization to engage in a line of business. Such a requirement would be in accordance with other specific ODM administered waiver provider rules.

- 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**

The provider applicant must complete and submit a provider application to ODM through its provider network management system web portal in accordance with the rules set forth in Chapter 5160-1 of the Administrative Code.

Upon receipt of the provider application, ODM or its designee shall verify the provider applicant has submitted and meets all applicable ODM-administered waiver provider requirements set forth in Chapters 5160-1, 5160-44, 5160-45, 5160-46, and 5160-58 of the Administrative Code.

- 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? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 2

5160-45-04(B)

5160-45-04(C)