

Rule Summary and Fiscal Analysis (Part A)**Ohio Department of Medicaid**

Agency Name

Division

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5160-45-05

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**Ohio department of medicaid (ODM) -administered waiver
program: incident management system.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5166.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5166.02, 5166.11, 5166.13**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is replacing existing OAC rule 5160-45-05 as a result of five-year rule review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

The proposed new OAC rule 5160-45-05 will establish an incident management system that applies to Ohio Department of Medicaid (ODM), its designees, service providers and individuals who are enrolled on an ODM-administered waiver or who otherwise participate in ODM-administered programs. This incident management system includes responsibilities for reporting, responding to, investigating and remediating incidents involving individuals. ODM has the authority to designate other agencies or entities to perform one or more of the incident management functions set forth in the rule. Among other things, OAC rule 5160-45-05 will establish:

ODM and its designees must assure the health and welfare of individuals enrolled on an ODM-administered waiver. Further, ODM, its designees and providers are responsible for ensuring individuals are protected from abuse, neglect, exploitation and other threats to their health, safety and well-being.

Individuals shall receive a handbook at the time of waiver enrollment and at reassessment that includes information about how to report abuse, neglect, exploitation and other incidents.

Those activities that are considered an incident and/or an alert in the ODM-administered waiver program.

Incident reporter responsibilities including identification of those incidents that must be reported immediately.

Case manager responsibilities upon learning of an incident, including ensuring the individual's health and welfare.

ODM and its designees responsibilities including incident investigation and follow-up.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. 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).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

The proposed rule will not impact the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **Yes**

ODM may impose sanctions upon the provider in accordance with rules 5160-45-06 and 5160-45-09 of the Administrative Code based upon the substantiation of an incident, failure to comply with any of the requirements set forth in this rule, failure to assure the health and welfare of the individual and/or failure to comply with all applicable federal, state and local laws and regulations.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

ODM, its designees and all providers are required to report incidents in accordance with the procedures set forth in this rule. Such reports must include the facts that

are relevant to the incident, the incident type and the names of, and when available, the contact information for, all persons involved.