

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

Agency Name

Division

**Tommi Potter**

Contact

**50 West Town Street Suite 400 Columbus OH  
43215-0000**

Agency Mailing Address (Plus Zip)

**614-752-3877**

Phone

Fax

**Tommi.Potter@medicaid.ohio.gov**

Email

**5160-45-05**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**ODJFS-administered waiver program: consumer incident  
management, investigation and response system (IMIRS).****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

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This rule is being rescinded as a result of five-year rule review. It is being replaced with a new OAC rule 5160-45-05.

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:

This rule sets forth the standards and procedures for operating the incident management, investigation and response system (IMIRS) for Ohio Department of Medicaid-administered waivers. The rule applies to ODM and ODM-administered waiver service providers. ODM may designate other agencies or entities to perform one or more investigatory functions set forth in this rule.

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: **1/10/2014**

(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:

No new costs.

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**

Pursuant to OAC rule 5160-45-05, ODM has the authority to impose sanctions upon a provider in accordance with rule 5160-45-09 if the provider:

Refuses to accept a certified letter from ODM upon substantiation of an incident;

\* Has not followed the plan of correction and/or successfully achieved the plan's desired results;

\* Has not submitted a plan of correction or has not had a plan of correction approved;

\* Has not complied with the timeframes outlined in the rule;

\* Has failed to protect individuals from repeated and substantiated reportable incidents; and/or

\* Has created a serious and immediate threat to the health and welfare of the individual.

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

This rule requires providers to submit a plan of correction to ODM upon substantiation of an incident.