

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-45-06

**Rule Type:** Amendment

**Rule Title/Tagline:** Ohio department of medicaid (ODM) -administered waiver program: structural reviews of providers and investigation of provider occurrences.

**Agency Name:** Ohio Department of Medicaid

**Division:**

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#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 2/1/2025
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 to update policy related to the administration of ODM-administered HCBS programs and the on-going 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 process and requirements for conducting structural reviews of ODM-administered waiver service providers to ensure providers' compliance with ODM-administered waiver requirements. Pursuant to Appendix K COVID-19 provisions, paragraph (B)(11) is added to permit ODM, at its sole discretion, to choose to suspend a provider's structural review.

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. Such reference is exempt from compliance with incorporation by reference requirements pursuant to ORC 121.75(A).

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

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? 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? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Medicare-certified and otherwise-accredited agency providers must submit a copy of their updated certification and/or accreditation, and upon request by ODM or its designee, shall make available within ten business days, all review reports and accepted plans of correction from the certification and/or accreditation bodies.

Except for unannounced reviews, as part of the structural review process, providers will be notified in advance of the list of the type of documents required for the review. The provider must ensure the availability of the documents.

When findings are issued by ODM or its designee, the provider must respond in writing within 45 calendar days in a plan of correction. If the plan is not acceptable, the provider will be asked to submit a new plan within prescribed time frames not to exceed 45 calendar days. ODM permits flexibility with the required time frames for submission of plans of correction required in this paragraph, so long as it is documented in the provider's file.

- 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? No**

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

Not Applicable

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

Not Applicable