

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-58-02.2  
**Rule Type:** Amendment  
**Rule Title/Tagline:** MyCare Ohio waiver: eligibility and enrollment.  
**Agency Name:** Ohio Department of Medicaid  
**Division:**  
**Address:** 50 West Town Street Suite 400 Columbus OH 43218-2709  
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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?** 9/26/2018
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?** 5164.02, 5166.02
5. **What statute(s) does the rule implement or amplify?** 5164.02, 5164.91, 5166.02, 5166.16
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update policy related to the Ohio Medicaid MyCare Ohio program and in compliance with five year rule review.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth the eligibility and enrollment criteria for the MyCare Ohio home and community-based services (HCBS) waiver. Changes to the rule include: in paragraph (A)(5), updated the requirement that an individual reside in a home and community-

based setting as described in OAC Chapter 5160-44 and updated rule reference for Assisted Living to OAC Chapter 173-39-02.16; removed paragraph (A)(6) as it was incorporated into paragraph (A)(5); in paragraph (A)(8) [to be recodified as (A)(7)], updated the language from "waiver service plan" to "person-centered service plan" in accordance with OAC Chapter 5160-44. Other grammatical/technical edits were made throughout.

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>.

This rule incorporates one or more dated references to the Social Security Act. This question is not applicable to those references in this rule because such dated references are exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A). The Social Security Act is available online at: [https://www.ssa.gov/OP\\_Home/ssact/ssact-toc.htm](https://www.ssa.gov/OP_Home/ssact/ssact-toc.htm)

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 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?**

There are no costs of compliance associated with this rule.

- 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? No**

- 16. Does this rule have an adverse impact on business? No**

**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? No**