

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-58-03.2

Rule Type: Amendment

Rule Title/Tagline: MyCare OhioHCBS Waiver Program: Member Choice, Control, Responsibilities, and Participant Direction.

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?** 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 member choice, control, responsibilities and participant direction for the MyCare Ohio home and community-based services (HCBS) waiver.

Changes to the rule include: the title has been updated to align with other rule titles in the same chapter; in paragraph (B)(1), updated the language from "waiver service plan" to "person-centered service plan" in accordance with OAC Chapter 5160-44; added a reference to the incident reporting rule to 5160-44-05 which will also be implemented early 2019 at which time ODM will be rescinding OAC rule 5160-58-05.3; removed paragraph (D) which outlines MyCare Ohio plan responsibilities which are thoroughly addressed in the MyCare Ohio plan provider agreement and three-way contract with the plan, ODM and CMS. 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>.
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