

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160:1-2-01

**Rule Type:** Amendment

**Rule Title/Tagline:** Medicaid: administrative agency responsibilities.

**Agency Name:** Ohio Department of Medicaid

**Division:** Eligibility

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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?** 9/29/2020
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** 5162.03, 5163.02
5. **What statute(s) does the rule implement or amplify?** 3501.01, 3503.10, 5162.03, 5163.02, 329.051, 2913.401
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update policy related to the administration of eligibility for the Medicaid program and to make permanent during the ongoing COVID-19 public health emergency those changes that were emergency filed pursuant to section 111.15 of the Ohio Revised Code on July 8, 2020. The rule is also being updated for clarity as part of the five-year review.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC 5160:1-2-01 describes the responsibilities of the administrative agency. Paragraphs (J) and (K) are proposed for amendment to reflect that, consistent with conditions identified in the Families First Coronavirus Response Act (FFCRA) regarding continuous coverage for individuals enrolled in Medicaid on or after March 18, 2020, the administrative agency is required to reinstate medical assistance for any individual whose discontinuance of coverage was effective on or after March 18, 2020, except when the discontinuance was due to death, state residence, or the individual's voluntary request. As part of the five-year review, language throughout the rule is being revised to clarify the responsibilities of the administrative agency and provide more detailed guidance regarding signature requirements and intercounty transfers. Incorporation by reference citations and effective dates are also being updated.

- 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 dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1).

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 121.75(A)(1).

This rule incorporates one or more dated references to an ODM form or forms. Each cited ODM form is dated and is generally available to persons affected by this rule via the "Resources/Publication/Medicaid Forms" link on the Ohio Department of Medicaid web site (<http://medicaid.ohio.gov/>) in accordance with RC 121.75(B)(4).

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 increase expenditures.

\$15,903,454.55

This rule [5160:1-2-01], along with rules 5160:1-2-03, 5160:1-2-08, 5160:1-2-14, 5160:1-3-02.1, 5160:1-3-02.2, 5160:1-3-02.6, 5160:1-3-03.1, 5160:1-3-03.6, 5160:1-3-05.4, 5160:1-3-05.8, 5160:1-3-05.16, 5160:1-4-05, 5160:1-4-06, 5160:1-5-01, 5160:1-5-02.2, 5160:1-5-03, 5160:1-5-08, 5160:1-6-03.1, 5160:1-6-04, 5160:1-6-06.1, and 5160:1-6-06.5, enact in Ohio the Families First Coronavirus Response Act (FFCRA) and the state's Medicaid Disaster Relief for the COVID-19 National Emergency State Plan Amendment (SPA). The interrelatedness of the rules' content prevents the cost for each rule to be determinable, therefore the total cost of the FFCRA and Ohio's Medicaid Disaster Relief for the COVID-19 National Emergency SPA was distributed evenly between the rules. These rules enact measures needed to ensure that Ohioans continue to receive the same amount, duration, and scope of benefits for the duration of the public health emergency as a direct result of COVID-19. The cost for these rules includes the 6.2% increased Federal Medical Assistance Percentage (FMAP) available to states that meet the conditions required by the FFCRA.

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). Yes**
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**

## Rule Summary and Fiscal Analysis

### Part B - Local Governments Questions

**1. Does the rule increase costs for:**

<b>A. Public School Districts</b>	No
<b>B. County Government</b>	Yes
<b>C. Township Government</b>	No
<b>D. City and Village Governments</b>	No

**2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.**

The Ohio Department of Medicaid (ODM) supplies funding to Ohio's 88 counties through the Ohio Department of Job and Family Services, Bureau of County Finance and Technical Assistance. This funding is intended to properly supply counties with enough funding to conduct eligibility determinations and casework for the Medicaid Program. State funds are supplied for matching through a mechanism called the Income Maintenance (IM) Allocation. As expenditures are charged, the federal portion of these expenditures is also supplied to the counties; however, the Department cannot estimate a cost of compliance that a county may face as each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of the allocation.

**3. Is this rule the result of a federal government requirement? No**

**A. If yes, does this rule do more than the federal government requires?** *Not Applicable*

**B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

*Not Applicable*

**4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:**

**A. Personnel Costs**

There will be an increase in training costs as a result of the amended Medicaid eligibility rule; however, each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of the allocation and it is not expected that this change to policy would greatly change that dynamic.

**B. New Equipment or Other Capital Costs**

The Department of Medicaid does not expect any changes in capital costs.

**C. Operating Costs**

Counties may incur increased operating costs; however, each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of the allocation and it is not expected that this change to policy would greatly change that dynamic.

**D. Any Indirect Central Service Costs**

Counties may incur increased indirect central service costs; however, each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of the allocation and it is not expected that this change to policy would greatly change that dynamic.

**E. Other Costs**

The Department of Medicaid does not know whether counties will incur increased additional costs. There will be an increase in training costs as a result of the amended Medicaid eligibility rule; however, each county operates daily at different work levels and funds the work done locally differently. Historically counties have not reported spending in excess of the allocation and it is not expected that this change to policy would greatly change that dynamic.

**5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.**

The Ohio Department of Medicaid (ODM) supplies funding to Ohio's counties through the Ohio Department of Job and Family Services, which funds counties to conduct eligibility determinations and complete casework for the Medicaid program.

**6. What will be the impact on economic development, if any, as the result of this rule?**

The Department of Medicaid does not expect the proposed rules to have an impact on economic development.