

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

Agency Name

Eligibility

Division

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5160:1-2-07

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Medicaid: estate recovery.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **111.15**
4. Statute(s) authorizing agency to adopt the rule: **5162.21**
5. Statute(s) the rule, as filed, amplifies or implements: **5162.21, 5162.211, 5162.23, 5164.86**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year rule review.

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 Ohio's medicaid estate recovery program and the undue hardship waiver request process. Changes to the rule include the removal of language requiring a specific form to request an undue hardship, the removal of definitions to eliminate redundancy as they can be found in other OAC sections, and minor language modifications for clarity.

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 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 121.76(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 121.76(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:

Updated Rule citations due to renumbering of policy sections. The citation listed in (B)(6) has been updated as the original citation will be rescinded as of 11/01/2017; the citation listed in (G)(1) has been updated as the original citation will be rescinded as of 11/01/2017; and the citation listed in (G)(3) has been updated as the original citation was rescinded effective 09/01/2017.

12. Five Year Review (FYR) Date: **10/16/2017**

(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

Not applicable

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:

Not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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? **No**

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? **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)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

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. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The Department of Medicaid anticipates that counties, specifically County Departments of Job and Family Services, will incur training 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.

(a) Personnel Costs

There will be an increase in training costs as a result of the new Medicaid eligibility rules. 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.

(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.

(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.

(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 new Medicaid eligibility rules. 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.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The Department of Medicaid supplies funding to County Departments of Job and Family Services to conduct eligibility determinations and complete casework for the Medicaid program.

7. Please provide a statement on the proposed rule's impact on economic development.

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