

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160:1-3-05.8  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Medicaid: lump-sum payments.  
**Agency Name:** Ohio Department of Medicaid  
**Division:** Eligibility  
**Address:** 50 West Town Street Suite 400 Columbus OH 43218-2709  
**Contact:** Tommi Potter **Phone:** 614-752-3877  
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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?** 9/1/2022
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?** 5160.02, 5163.02
5. **What statute(s) does the rule implement or amplify?** 5160.02, 5163.02
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update policy related to the administration of 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.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC 5160:1-3-05.8 describes the treatment of lump-sum payments for purposes of determining eligibility for medical assistance. Paragraph (G) is 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, individuals may not have Medicaid coverage terminated if their resources exceed the allowable resource limit. Language is being added to clarify that individuals may purchase household goods or personal effects, repay personal debts, or use some or all of the lump-sum payment for personal care to remain within the allowable resource limit. Language has also been added to allow an individual to request that his or her Medicaid be discontinued.

- 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 dated references to the United States Code (USC). This question is not applicable to any dated incorporation by reference to the USC because such reference is exempt from compliance with R.C. 121.71 to 121.74 in accordance with R.C. 121.75(A)(2).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Paragraph (D) was revised to remove "Income and property tax refunds" due to a change in federal law which allows a resource exclusion of twelve months.

New Paragraph (F) was added to indicate correct treatment of tax refunds under federal law: "Federal income tax refunds, and advance payments with respect to refundable income tax credits, are not considered income and are excluded as a countable resource for a period of twelve months beginning the month after the month of receipt, in accordance with 26 U.S.C. 6409 (as in effect October 1, 2020)."

## **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 increase expenditures.

\$15,903,454.55

This rule [5160:1-3-05.8], along with rules 5160:1-2-01, 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, 5160:1-3-05.16, 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**

**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? No**

**17. 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**

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**

No.

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

No.

- 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

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

## 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.

**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/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.

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

The Department of Medicaid 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 rule to have an impact on economic development.