

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

Agency Name

**Eligibility**

Division

**Tommi Potter**

Contact

**50 Town St 4th floor Columbus OH 43218-2709**

Agency Mailing Address (Plus Zip)

**614-752-3877**

Phone

**614-995-1301**

Fax

**tommi.potter@medicaid.ohio.gov**

Email

**5160:1-6-02**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Medicaid: treatment of income and resources of individuals applying for or receiving long-term care services.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
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: **5160.02, 5163.02**
5. Statute(s) the rule, as filed, amplifies or implements: **5160.02, 5163.02**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed to update policy relating to the administration of the Medicaid program and is replacing 5160:1-3-06.1, which is being rescinded.

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 describes how to count income and resources of an individual requesting

or receiving long-term care services. Income and resources are treated different based on the individual being an adult, a child, or if they have a spouse.

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 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).

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(C).

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:

New paragraph (C) has been added for clarity: Individuals who are receiving supplemental security income (SSI) shall be automatically approved for medical assistance, in accordance with rule 5160:1-3-02.5 of the Administrative Code.

Language has been updated in paragraph (F) to change "initial month" to "initial thirty days."

Language has been updated in subparagraph (G)(1) for clarity: In accordance with section 1924 of the Social Security Act (as in effect November 1, 2016), during any month in which one spouse is applying for or receiving LTC services, eligibility shall be determined in the following order:

Language has been updated in subparagraph (G)(1)(a) for clarity: If neither spouse is receiving SSI, the couple shall first be screened for modified gross adjusted income (MAGI) base eligibility, in accordance with Chapter 5160:1-4 of the Administrative Code, using the combined income of both individuals. If the combined income of both spouses exceeds the MAGI income limits, the income shall be separated and the portion of the community spouse's income shall be removed for budgeting purposes. MAGI eligibility shall then be explored for only the institutionalized spouse.

Language has been updated in subparagraph (G)(1)(b) for clarity: If the institutionalized spouse is not financially eligible for MAGI, the income of both spouses shall be combined and the couple screened for non-MAGI aged, blind, or disabled (ABD) medicaid base eligibility, in accordance with Chapter 5160:1-3 of the Administrative Code. If the combined income of both spouses exceeds the non-MAGI ABD income limits, the income of the community spouse shall be removed for budgeting purposes. Non-MAGI ABD eligibility shall then be explored for only the institutionalized spouse.

Language has been updated in subparagraph (G)(1)(c) for clarity: If the institutionalized spouse is not financially eligible for non-MAGI ABD medicaid, compare the institutionalized spouse's income to the special income level (SIL), in accordance with rule 5160:1-3-04.2 of the Administrative Code. No income of the community spouse shall be used in the eligibility determination for SIL.

## 12. Five Year Review (FYR) Date:

(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

No impact on current budget.

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:

No new costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

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**

