

**MEMORANDUM**

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Sophia Papadimos, Regulatory Policy Assistant

DATE: October 30, 2014

RE: **CSI Review – Resident Review (OAC 5160-3-15.2)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule being proposed by the Ohio Department of Medicaid (ODM) pursuant to the five-year review required by statute. The rule pertains to the Preadmission Screening and Resident Review (PASRR) process, specifically the Resident Review section. PASRR is a process to ensure that nursing facilities admit individuals with serious mental illness or developmental disabilities only when a thorough evaluation indicates that such placement is appropriate and that the individual's necessary services will be provided by the nursing facility. The rule package was submitted to the CSI Office on October 14, 2014 and the public comment period was held open through October 21, 2014. No comments were received during this time.

Ohio Administrative Code (OAC) 5160-3-15.2 sets forth the resident review requirements for nursing facilities. It details the process for submitting a resident review, when to perform a resident review, and notification of the resident review outcome. A resident review is required for an individual who was exempt from the preadmission screening identification and has been in the nursing facility for more than 30 days, an individual who is being transferred from another

nursing facility, an individual who has experienced significant change in his or her condition, or an individual who already received a resident review but will be exceeding the suggested time to stay in the nursing facility. OAC 5160-3-15.2 is being amended to correct state agency references and form numbers. The rule is also being amended to allow providers to submit the resident review electronically through a system approved by ODM.

ODM coordinated with the Ohio Department of Developmental Disabilities and Ohio Mental Health and Addition Services to ensure the agencies' respective rules and the processes set forth are consistent and not duplicative. The Departments have engaged stakeholders throughout the rule-making process and incorporated the comments and suggestions provided by stakeholders

The adverse impact of this rule is the time associated with completing the resident review. ODM estimated it takes 30-60 minutes to complete the resident review. Electronic submission, however, should ease the burden of submitting the form to ODM.

The PASRR process is a federal requirement and no comments were received that the rule is overly burdensome; therefore, the CSI Office has determined the purpose of the rule is justified.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Department of Medicaid should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office