

**MEMORANDUM**

**TO:** Tommi Potter, Ohio Department of Medicaid

**FROM:** Sophia Papadimos, Regulatory Policy Assistant

**DATE:** September 16, 2014

**RE:** **CSI Review – Authorizing PACE Rule (OAC 5160-36-02)**

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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 requirement of ORC 119.032. The rule package was submitted to the CSI Office on September 5, 2014 and the public comment period was held open through September 12, 2014. No comments were received during this time.

Ohio Administrative Code (OAC) 5160-36-02 pertains to the Program of All-inclusive Care for the Elderly (PACE) and the associated administrative requirements. PACE provides an alternative to nursing homes and utilizes a comprehensive medical and social service delivery system coordinated through an adult day health center. This rule designates the Ohio Department of Aging (ODA) as the state agency responsible for administering services. It also prescribes what ODA must require of providers. The proposed amendments are to correct Administrative Code references, Medicaid references, and federal code references.

The adverse impacts described in the BIA are the time and money required of providers when drafting contracts with ODA. While the adverse impacts of entering into a contract are established

in separate rules, they are relevant to this rule and therefore included in the analysis. No comments were received stating this rule is overly burdensome. Additionally, PACE is federally funded and subject to federal regulations. 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