

Ohio

Department of Medicaid**John R. Kasich, Governor****Barbara R. Sears, Director**

To: Mark Hamlin, Director of Regulatory Policy
Office of the Lieutenant Governor of Ohio

Through: Brianne Brown, Chief Legal Counsel *BKB*
Ohio Department of Medicaid

From: Cheryl Guyman, Medicaid Health Systems Administrator
Bureau of Long Term Services and Supports, Ohio Department of Medicaid

Subject: CSIO review of the following rule of the Ohio Administrative Code contained in
Electronic Rule Filing (ERF) package 170398:
Rule 5160-3-18 (New)

Date: March 8, 2017

As discussed with Tommi Potter, possible adverse impacts listed below were identified after your initial CSIO review of the Ohio Administrative Code contained in Electronic Rule Filing (ERF) package 170398: Rule 5160-3-18. Per the approval of Sarah JanTausch on March 7, 2017, the Business Impact Analysis will be updated and the Ohio Department of Medicaid will proceed to file the rule formally with the Joint Committee on Agency Rule Review (JCARR).

Information was inadvertently omitted from the response to question 12(C) of the Business Impact analysis for ERF 170398 (Rule 5160-3-18). The omitted information involves minor costs of compliance, existing requirements not unique to this rule, or requirements that will only be applicable if a nursing facility has to file an action plan or is placed on the CMS special focus facility list as a result of deficiencies. The following is the omitted information:

In accordance with paragraph (C)(5) of this rule, if a NF changes the size or location of the designated discrete unit or the number of beds in the discrete unit, the facility shall notify ODM of the change via email to nfpolicy@medicaid.ohio.gov within five business days of the change. ODM estimates it will take a NF staff person approximately 15 minutes at the rate of approximately \$16.00 per hour (total estimated cost: \$4.00) to comply with this requirement.

In accordance with paragraph (C)(4) of this rule, NFs must cooperate with ODM or its designee during all provider oversight and monitoring activities. ODM is unable to estimate the cost of compliance with this provision because ODM does not know how many facilities will be audited, nor the extent of cooperation that will be necessary. It will vary by facility and issue.

In accordance with (E)(4), ODM estimates it will take approximately fifteen minutes of administrator time at a rate of approximately \$60.00 per hour (total cost \$15.00) to notify ODM that an action plan has been completed.

In accordance with paragraph (C)(7)(a), a NF that becomes a Special Focus Facility (SFF) under the Centers for Medicare and Medicaid Services (CMS) SFF program must notify ODM of the SFF status within one business day of receipt of the CMS SFF letter via email at NFpolicy@medicaid.ohio.gov and attach a copy of the letter. ODM estimates it will take a NF staff person approximately 15 minutes at the rate of approximately \$16.00 per hour (total estimated cost: \$4.00) to notify ODM of the SFF status and attach a copy of the SFF letter.

In accordance with paragraph (C)(7)(b), when a NF has been graduated from the SFF program for a period of six consecutive months, the facility may submit a new request to provide ventilator services in accordance with paragraph (D) of this rule in order to begin admitting new individuals to the ventilator program again. ODM estimates it will take a NF administrator approximately two hours of administrator time at a rate of approximately \$60.00 per hour (total of \$120.00) to submit a request to become a NF ventilator program provider and to submit sufficient information to demonstrate that the NF meets all of the requirements included in the rule.