



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

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

**FROM:** Paula Steele, Common Sense Initiative

**DATE:** October 11, 2019

**RE:** **CSI Review – Program of All-Inclusive Care for the Elderly (PACE) FYRR (OAC 5160-36-02 and 5160-36-05)**

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On behalf of Lt. Governor Jon Husted, 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 two amended rules proposed by the Ohio Department of Medicaid (ODM) pursuant to statutory five-year review requirements. This rule package was submitted to the CSI Office on August 22, 2019, and the public comment period was held open through August 29, 2019. No comments were received during the comment period. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on August 22, 2019.

PACE is funded by Medicare and Medicaid and provides an alternative to nursing home placement by using a comprehensive medical and social service delivery system coordinated through an adult day health center to meet long-term care needs of participants. The proposed rules designate the Ohio Department of Aging (ODA) as the state agency responsible for administering services and prescribes what ODA must require of providers, including entering in agreement with CMS and the CMS approved PACE organization. The draft rules also establish PACE organization care coordination as required by federal law. The amendments removed ODA's administration of slot allocations to PACE organizations (OAC 5160-36-02) and the interdisciplinary team's requirement

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to conduct a comprehensive assessment and develop a plan for PACE participants (OAC 5160-36-05). Other changes were made to correct Administrative and federal code references and to make minor edits for clarity and consistency.

Comments made by the Ohio PACE provider and ODA were incorporated into the proposed rules. In addition, ODM solicited feedback through its early stakeholder outreach process, which resulted in technical edits to improve the draft rules.

There is only one PACE provider in the state that is impacted by the proposed rules. ODM estimates the cost of agreement compliance to be approximately \$6,000, and the cost to establish and operate a disciplinary team as approximately \$26,000. Operating as a PACE provider is optional; however, compliance with federal and state regulations is required, and these rules serve to ensure that the Ohio PACE program is in compliance with federal law.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio Department of Medicaid should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.