

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-38-01

Rule Type: New

Rule Title/Tagline: Assisted living program (medicaid-funded component): introduction and definitions.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 173.54, 173.01, 173.02
5. What statute(s) does the rule implement or amplify? 173.54; 42 C.F.R 441.352
6. What are the reasons for proposing the rule?

This rule filing is part of 2 packages of rules ODA is filing on the same day. The rules in these packages regard eligibility and enrollment in the state- and Medicaid-funded components of the Assisted Living and PASSPORT Programs, the unified waiting list, and PACE. ODA is making many updates to these rules, but all are non-substantive.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule introduces Chapter 173-38 of the Administrative Code and defines terms used throughout the chapter.

Compared to the rule this proposed new rule would replace, this proposed new rule incorporates the following changes:

(1) This proposed new rule no longer defines "JFS07200" and "ODM02399" because ODA proposes to no longer mention those forms in this chapter. ODM launched the Ohio Benefits Long-Term Services and Supports (OBLTSS) system in October, 2017 as the new way for applicants to seek enrollment in LTSS programs such as the Medicaid-funded component of the PASSPORT Program. As a result, ODA proposes to no longer mention these forms in this chapter.

(2) This proposed new rule replaces the definition of "service plan" with a definition of "person-centered services plan." Also, this proposed new rule no longer includes "goods or" before "services" in the definition.

(3) This proposed new rule no longer defines forms ODA1115, ODA1116, and ODA1117 because this chapter does not reference those forms.

- 8. Does the rule incorporate material by reference? No**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

On August 16, 2018, ODA made a revising filing of this rule to upload a revised public hearing notice and to revise this RSFA.

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

if ODA adopts this proposed new rule, ODA estimates there will be no increase/decrease in revenue from what the Ohio General Assembly appropriated to ODA for the biennium in Am. Sub. H. B. 49 (132nd G.A.), especially because it is substantially similar to the rule it will replace.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

ODA estimates that this proposed new rule will have no cost of compliance to any directly-affected person. It will merely introduces the chapter and defines terms used throughout the chapter.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. Does this rule have an adverse impact on business? No

- 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**