

**Rule Summary and Fiscal Analysis (Part A)****Department of Aging**

Agency Name

Division

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**173-38-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Enrollment process for the medicaid-funded assisted living program.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB59**General Assembly: **130**Sponsor: **Amstutz**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.01, 173.02, 173.54**

5. Statute(s) the rule, as filed, amplifies or implements: **173.54, 173.542, 173.55**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

In accordance with section 119.032 of the Revised Code, this rule project updates items in the rule as part of ODA's periodic review of the rule, which may not occur any less often than once every five years, and must occur before the review date assigned to the rule. Most of the items that require updates are the result of H.B.59

(130th G.A.).

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule that ODA is proposing to amend introduces Chapter 173-38 of the Administrative Code and defines terms used in the chapter. The chapter regulates the Medicaid-funded component of the Assisted Living Program.

ODA is proposing to amend the rule in the following ways:

1. ODA is proposing to update references the rule's "authorized by" and "rule amplifies" sections to reflect the reorganization of sections of the Ohio Revised Code by H.B.59.
2. ODA is proposing to list the revision dates of the forms cited in the rule and to state where the reader of the rule may readily find those forms.
3. ODA is proposing to add "that" to a few sentences that lacked it.
4. ODA is proposing to replace references to ODJFS rules with references to corresponding ODM rules. This is because H.B.59 transformed the Medicaid operations inside of ODJFS into a state department of its own.
5. ODA is proposing to amend the rule's title to add the name of the program to the beginning of the title.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

ODA is proposing to incorporate the revision dates to forms that ODA cites in the rule, to state that the forms are readily available to the public on a state website, and to provide an URL for that website.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

ODA did not electronically attach any forms to the proposed amendment of this rule because the forms are readily available to the public on a state website.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

On November 29, ODA revised the rule to explain in this RSFA that it did not attach the forms cited in the rule because the forms are readily available to the public on a state website.

12. 119.032 Rule Review Date: **11/29/2013**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

ODA anticipates that the proposed amendments to this rule would have no effect upon the biennial budget that the Ohio General Assembly established for ODA in H.B.59 (130th G.A.). Additionally, ODA anticipates that the proposed amendments to this rule will have no effect upon line items GRF-651-525 or 3C40-656-623.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

GRF-651-525 Medicaid/Health Care Services.

3C40-656-623 Long-Term Care Program Support-Federal.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

ODA estimates that there is no cost of compliance to any directly-affected person that would result from ODA's proposed amendments to this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

This rule that ODA is proposing to amend does not require any Ohio business to have a license, permit, or any other authorization to engage in, or operate, a line of business.

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**

This rule that ODA is proposing to amend does not impose a criminal penalty, civil penalty, or other penalty; or create a cause of action for an Ohio business that fails to comply with its terms. In fact, the rule does not make any requirements of Ohio businesses.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

This rule that ODA is proposing to amend does not require any Ohio business to spend money in order to comply with the rule.