

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-38-03

Rule Type: Rescission

Rule Title/Tagline: Assisted living program (medicaid-funded component): enrollment process for individuals.

Agency Name: Department of Aging

Division:

Address: 246 N. High St. 1st floor Columbus OH 43215-2046

Contact: Tom Simmons

Email: tsimmons@age.ohio.gov **Phone:** 614-728-2548

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 8/14/2018
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, 173.02, 173.01
5. What statute(s) does the rule implement or amplify? 173.54, 173.55; 42 C.F.R 441.352, 173.542
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 establishes the enrollment requirements for individuals. For differences between this rule, which ODA proposes to rescind, and the new rule of the same number, please review the RSFA for the new rule.

ODA proposes to update the rule's terminology by using "requirements" not "criteria," "all eligibility requirements" not "the eligibility criteria," "ODM's administrative agency" not "CDJFS," "person-centered services plan" not "service plan," "RCF" (which is defined in rule 173-38-01 of the Administrative Code) not "residential care facility," and by eliminating some unnecessary use of the word "that."

ODA proposes to require individuals to apply for Medicaid and the Medicaid-funded component of the Assisted-Living Program rather than require them to complete forms for applying for both. When individuals go to either ODM's administrative agency or ODA's designee to apply, they may complete a form or apply online.

ODA proposes to update references to ODM's rules.

When stating whether ODA may enroll an individual into the Medicaid-funded component of the Assisted Living Program when a slot becomes available, the rule says ODA proposed to delete the requirements for the home first component of the Assisted Living Program, which repeat section 173.542 of the Revised Code, and instead just reference the requirements in that section.

- 8. Does the rule incorporate material by reference? Yes**
- 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.**

This rule mentions forms, the names of which rule 173-38-01 of the Administrative Code defines, incorporates by reference, and shows readers where to find on ODA's website free of charge.

- 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 rescinds this 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 ODA is simultaneously proposing to replace this rule with a substantially-similar new rule.

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

ODA estimates that this rule has no cost of compliance to any directly-affected person. It merely introduces the chapter and defines terms used within the chapter. ODA is not proposing to make substantive changes to the rule.

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