

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-38-05

**Rule Type:** New

**Rule Title/Tagline:** Assisted living program (medicaid-funded): covered services.

**Agency Name:** Department of Aging

**Division:**

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

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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? 173.01, 173.02, 173.54.
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?

After reviewing the current rule top-to-bottom, ODA proposes to adopt this new rule in its place to comply with LSC's 50% guideline.

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

This proposed new rule will let readers know what services are covered by the Assisted Living Program. Without the rule, a person reading the chapter on the program may not know what services are covered or know to look in Chapter 173-39 for rules regulating those services.

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.

*Not Applicable*

## **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

The proposed adoption of this new rule would have no impact upon the biennial budget the Ohio General Assembly established for ODA because it would replace a substantially-similar rule which ODA is simultaneously proposing to rescind.

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

The proposed adoption of this new rule would have no impact upon individuals enrolled in the program or upon certified providers (RCFs) because it would replace a substantially-similar rule which ODA is simultaneously proposing to rescind.

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? Yes**

**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**

Please review the BIA for more information.

**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**