

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-50-03

Rule Type: Amendment

Rule Title/Tagline: PACE: application, assessment, enrollment, plan of care, reassessment, and continued enrollment.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 4/3/2025
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? 121.07, 173.01, 173.02, 173.50, 173.501
5. What statute(s) does the rule implement or amplify? 173, 50, 173.501, 42 C.F.R. 460.104, 460.106, 460.152, 460.154, 460.156, 460.158, 460.160
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule exists to establish the following for PACE: the standards for enrollment, plans of care, reassessment, and continued enrollment.

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

This rule establishes the following for PACE: the standards for enrollment, plans of care, reassessment, and continued enrollment.

In response to a recommendation from Bold Age, ODA proposes to reference rule 5160-3-08 in paragraph (H) of this rule. Doing so will allow ODA to cover continued enrollment in only one rule and to reference the state-specific requirement for continued enrollment in this rule.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. 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

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Amending this rule will not impact the biennial budget that the Ohio General Assembly established for ODA.

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

This rule references the PACE organization's responsibilities (1) under 42 CFR 460.152 to conduct intake, (2) under 42 CFR 460.154 (cf., 42 CFR 460.156) to notify a qualified applicant of the opportunity to enroll, and (3) under 42 CFR 460.104 and 460.106 for its interdisciplinary team (IDT) to conduct an assessment and develop a plan of

care. The only requirements that this rule establishes for the PACE organization that are not based in federal rules are the requirements to enroll a qualified applicant on the unified waiting list and through the home-first component of the program (if applicable) when no slot is available in PACE for the qualified applicant. These requirements implement RC§173.501.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**
 - 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? Yes**

This rule references the PACE organization's responsibilities (1) under 42 CFR 460.152 to conduct intake, (2) under 42 CFR 460.154 (cf., 42 CFR 460.156) to notify a qualified applicant of the opportunity to enroll, and (3) under 42 CFR 460.104 and 460.106 for its interdisciplinary team (IDT) to conduct an assessment and develop a plan of care. The only requirements that this rule establishes for the PACE organization that are not based in federal rules are the requirements to enroll a qualified applicant on the unified waiting list and through the home-first component of the program (if applicable) when no slot is available in PACE for the qualified applicant. These requirements implement RC§173.501.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable