

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-50-05

Rule Type: Amendment

Rule Title/Tagline: PACE: involuntary disenrollment.

Agency Name: Department of Aging

Division:

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

Contact: Tom Simmons **Phone:** 614-728-2548

Email: tsimmons@age.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/23/2021
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
5. **What statute(s) does the rule implement or amplify?** 173.50; 42 C.F.R. 460.164, 460.166, 460.172, 460.210

6. **What are the reasons for proposing the rule?**

This rule exists to implement federal standards for involuntary disenrollment.

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

This rule implements federal standards for involuntary disenrollment.

ODA proposes to amend this rule to reorganize paragraph (B)(3) of this rule to better align with 42 C.F.R. 460.164 and to eliminate duplication.

ODA also proposes to make non-substantive amendments to this rule.

- 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. 121.75, 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.**

ODA made a refiled filing of this rule to prohibit a PACE organization from involuntarily disenrolling a participant if restricted from doing so by CMS and to update this RSFA regarding the removal of a regulatory restriction from paragraph (A)(3)(a) [now (A)(3)(a)(i)] of this rule.

II. Fiscal Analysis

- 11. 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

Adopting ODA's proposed amendments to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (110th G.A.).

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

Adopting the proposed amendments to this rule will not create any new cost of compliance to any directly-affected person or organization.

- 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**

15. 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

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

17. 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
- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding? 0
- B. How many existing regulatory restrictions do you propose removing? 1

(A)(3)(a) [now (A)(3)(a)(i)] "...the PACE organization SHALL document at least two attempts it made in the past six months to educate the participant on the importance of following the care plan, the negative consequences of not doing so, and a warning that not doing so may result in disenrollment."