

**Rule Summary and Fiscal Analysis (Part A)****Department of Job and Family Services**

Agency Name

**Division of Medical Assistance**

Division

**Mike Lynch**

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**5101:3-1-06.1**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Home and community-based service waivers: PASSPORT.****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? **No**

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: **5111.85**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.85**

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

Five-year review. To clarify policy relating to the administration of the Home and Community-Based Services Waiver: Preadmission Screening System Providing Options and Resources Today (PASSPORT) program.

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 sets forth the Preadmission Screening System Providing Options and

Resources Today (PASSPORT) Home and Community-Based Service(HCBS)waiver services and eligibility criteria in the PASSPORT program. Changes to the rule include this addition to the opening paragraph "The requirements pertaining to services directed by waiver consumers set forth in this rule begin when the Ohio department of job and family services (ODJFS) receives approval from the centers of medicare and medicaid services (CMS) of an amendment adding consumer direction to the PASSPORT waiver, or on the effective date of this rule, whichever is later."

Changes to the rule include this deletion in paragraph (C) "and are to be effective on July 1, 2008. The maximum allowable reimbursement rates for services rendered prior to July 1, 2008 are the maximum allowable reimbursement rates in appendix A to this rule less three per cent."

Changes to the appendix A includes revision of "Personal care services" to distinguish between "Personal care services provided by Ohio department of aging (ODA) certified long term care agency providers and personal care services provided by ODA certified long term care consumer directed individual providers."

Changes to the rule include this addition to appendix A new services, "Enhanced Community Living Service."

Changes to the rule include a new provider type that will provide an existing service, "Personal care services provided by Ohio department of aging (ODA) Certified Long Term Care Consumer Directed Individual Providers."

Changes to the rule include the reimbursement amounts for the emergency response system (ERS) one month rental service from \$47.74 to \$32.36, and ERS installation service \$47.74 to \$31.83 in appendix A to this rule. The rate modification in the appendix results from a change in reimbursement practice by ODA. That department is no longer using a regional rate for ERS and has moved to a statewide reimbursement rate for that service.

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:

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

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:

Not applicable.

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:

*Not Applicable.*

12. 119.032 Rule Review Date: **11/18/2010**

(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 increase expenditures.

\$4,507,304

There is no overall impact to ODJFS (Ohio Department Job and Family Services) as a result of the proposed rule as ODJFS will pass the FFP (federal financial participation) reimbursement from Preadmission Screening System Providing Options and Resources Today (PASSPORT) program to the Ohio Department of

Aging (ODA).

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

Not applicable.

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:

600-655.

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**