

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

Agency Name

Division of Medical Assistance

Division

Nancy Van Kirk

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Ohio home care waiver program: home care attendant services
reimbursement rates and billing procedures.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Amstutz**

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: **5111.02, 5111.0213, 5111.85, 5111.8811**

5. Statute(s) the rule, as filed, amplifies or implements: **5111.02, 5111.021, 5111.0213, 5111.85, 5111.88, 5111.881, 5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 5111.889, 5111.8810**

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

This rule is being amended to attain cost savings prescribed in RC Section 5111.0213, adopted under Amended Substitute House Bill 153 of the 129th General

Assembly. It is also being amended because of implementation of the Medicaid Information Technology System (MITS).

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 contains the reimbursement rates and billing procedures associated with home care attendant services provided by the Ohio Home Care Waiver. Changes to the rule decrease the Medicaid maximum rate of reimbursement for ODJFS-administered home care attendant services available through the Ohio Home Care Waiver effective beginning with date of service October 1, 2011. The base rate for non-agency providers of home care attendant services will be reduced from \$33.36 to \$25.89.

Paragraph (I) is changed to say that claims shall be submitted to, and reimbursement shall be provided by, ODJFS in accordance with Chapter 5101:3-1 of the Administrative Code.

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: **7/1/2015**

(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 have no impact on revenues or expenditures.

\$0.00

Home care attendant services is a relatively new service that is just now beginning to be used. Before the rate reduction imposed by this rule change, the fiscal impact of introducing home care attendant services was expected to be neutral. This was because ODJFS anticipated offsetting upward and downward pressure on spending to result from the advent of this service. Downward pressure on spending was expected to result from home care attendant services being used in place of some nursing services; upward pressure on spending was expected to result from a higher base rate to be paid to home care attendant-qualified aides for initial service time as compared to the base rate they would earn for regular personal care aide services.

The rate reduction associated with this rule change is occurring in concert with rate reductions for nursing and personal care aide services. As a result, ODJFS still expects offsetting spending pressures to result as the utilization of home care attendant services grows over the course of the biennium. The reduced rate for home care attendant services will still be a cost-saver when paid in place of the reduced rate for nursing; and the cost to ODJFS of paying the reduced base rate for

home care attendant services in place of the reduced base rate for regular personal care aide will still be a bit more.

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

600525

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:

The Department does not believe the changes to this rule place new compliance obligations on directly affected persons; therefore, there would not be that type of compliance costs. However, the changes in this rule will reduce Medicaid reimbursement to providers. To the extent that a reduction in reimbursement results in a decrease in Medicaid revenue to the affected persons, the decrease in revenue will affect cash flow and may create an impact that results in the affected persons incurring other types of costs. The Department cannot provide an estimate of what this cost impact would be for the affected persons because that information is not available to the Department and the impact will be provider-specific and depend upon multiple factors, including individual business models, amount of Medicaid services provided, and overhead costs, etc. In addition, the Department recognizes that some providers may choose to discontinue providing these services because of the rate reduction. And certain beneficiaries will need to work with new providers.

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**