Rule Summary and Fiscal Analysis (Part A)

Department of Job and Family Services
Agency Name

Division of Medical Assistance   **Nancy Van Kirk**
Division   Contact

30 E Broad St 31st Floor ODJFS Office of Legal   **614-466-4605**   **614-752-8298**
Services Columbus OH 43215-3414
Agency Mailing Address (Plus Zip)   Phone   Fax

5101:3-46-06   AMENDMENT
Rule Number   TYPE of rule filing

Rule Title/Tag Line   **Ohio home care waiver: 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: **HB119**   General Assembly: **127**   Sponsor: **Dolan**

3. Statute prescribing the procedure in   4. Statute(s) authorizing agency to
accordance with the agency is required   adopt the rule: **5111.021, 5111.85**
to adopt the rule: **119.03**

                                                5. Statute(s) the rule, as filed, amplifies
                                                or implements: **5111.01, 5111.02,
                                                5111.021, 5111.85**

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

    This rule is being proposed for amendment to incorporate Medicaid maximum fee
    increases budgeted in Am. Sub. H.B. 119, 127th General Assembly, because the
    dollars appropriated to JFS in the 600-525 account, found in section 309.10 of H.B.
    119, assume the expenditures with these changes.

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 increase in the reimbursement rates for Ohio Home Care Waiver services effective January 1, 2008. Changes include the following: Waiver nursing provided by either a registered nurse or licensed practical nurse shall be reimbursed $56.65 for the first hour and $5.87 for each fifteen minute unit thereafter; personal care aide services shall be reimbursed $24.72 for the first hour and $3.09 for each fifteen minute unit thereafter; out of home respite shall be reimbursed $206.00 per day; supplemental transportation services shall be reimbursed $.39 per mile; adult day health center services shall be reimbursed $33.48 per half-day and $66.95 per full day; and emergency response services shall be reimbursed $46.35 per installation and testing and $46.35 for monthly usage.

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 ORC 121.71 to 121.74 pursuant to ORC 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:

5/5/08 refiling: This rule is being refiled to change the effective date of the increase in the reimbursement rates for Ohio Home Care Waiver services to July 1, 2008. The increase in rates pertains to those services rendered on or after July 1, 2008. There are no changes to the rule. The response to RSFA question 13 has been changed to adjust the total dollar amount and to clarify that the dollar amount is the total amount for this rule plus its accompanying rules.

5/7/08 refiling: This rule is being refiled to clarify that there were no changes to the rule during the 5/5/08 refiling. For this 5/7/08 refiling, there are no changes to the rule.

12. 119.032 Rule Review Date: **7/1/2011**

(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.

$11,600,000.00

The total estimated cost for the proposed amendment to this rule, and rules 5101:3-47-06 and 5101:3-50-06, is $11.6 million for the current Medicaid biennium budget.

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

600-525

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:

No new costs.

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**