

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5123-7-33

**Rule Type:** New

**Rule Title/Tagline:** Intermediate care facilities for individuals with intellectual disabilities - resident assessment classification system based on administration of the Ohio developmental disabilities profile.

**Agency Name:** Department of Developmental Disabilities

**Division:**

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#### I. Rule Summary

1. Is this a five year rule review? No
  - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? Yes
  - A. If so, what is the bill number, General Assembly and Sponsor? HB 24 - 132 - Representative Ginter
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5123.04, 5124.03
5. What statute(s) does the rule implement or amplify? 5123.04, 5124.03, 5124.19 to 5124.193
6. What are the reasons for proposing the rule?

The Department is adopting the rule to establish that the Department shall calculate two separate per resident/per day rates for each Intermediate Care Facility for Individuals with Intellectual Disabilities (ICFIID) using data from administration of the Individual Assessment Form in accordance with rule 5123-7-20 and administration

of the Ohio Developmental Disabilities Profile in accordance with this rule and rule 5123:2-7-32.

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

The rule sets forth a method and process for determining the per resident/per day rate paid to an ICFIID for direct care costs using the Ohio Developmental Disabilities Profile pursuant to sections 5124.19 to 5124.193 of the Revised Code.

- 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. 121.71 to 121.76, 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.**

The response to question 12 on the Rule Summary and Fiscal Analysis form has been revised. No changes have been made to the rule.

## **II. Fiscal Analysis**

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Adopting rule 5123-7-33 will neither increase nor decrease revenues or expenditures for the Department.

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

Not applicable. The rule sets forth methods and processes to be followed by the Department, which will be carried out by existing staff resources.

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**

### **III. Common Sense Initiative (CSI) Questions**

15. **Was this rule filed with the Common Sense Initiative Office? Yes**
16. **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? Yes**

Paragraph (F)(3) allows the Department to assign a lower case mix score to an ICFIID that does not timely submit complete and accurate resident assessment data.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The rule requires an ICFIID to submit resident assessment data to the Department.