

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5123-9-19

**Rule Type:** New

**Rule Title/Tagline:** Home and community-based services waivers - general requirements for adult day support, career planning, group employment support, individual employment support, non-medical transportation, and vocational habilitation.

**Agency Name:** Department of Developmental Disabilities

**Division:**

**Address:** 30 East Broad Street, 12th Floor Columbus OH 43215-3414

**Contact:** Becky Phillips **Phone:** (614) 644-7393

**Email:** becky.phillips@dodd.ohio.gov

#### 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 166 - 133  
- Representative Oelslager
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5123.04, 5123.049
5. What statute(s) does the rule implement or amplify? 5123.04, 5123.049, 5166.21
6. What are the reasons for proposing the rule?

The Department is rescinding rule 5123:2-9-19 and adopting replacement rule 5123-9-19. Appendix B to new rule 5123-9-19 reflects increases to the Non-Medical Transportation budget limitations intended to ensure individuals may continue to

receive the same level of services (in light of increases to the rates paid to providers of Non-Medical Transportation at the per-mile rate set forth in rule 5123-9-18).

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

The rule establishes general requirements governing provision of and payment for Adult Day Support, Career Planning, Group Employment Support, Individual Employment Support, Non-Medical Transportation, and Vocational Habilitation provided to individuals enrolled in Medicaid Home and Community-Based Services waivers administered by the Department. Appendix B reflects increases to the Non-Medical Transportation budget limitations intended to ensure individuals may continue to receive the same level of services (in light of increases to the rates paid to providers of Non-Medical Transportation at the per-mile rate set forth in rule 5123-9-18).

- 8. Does the rule incorporate material by reference? Yes**
- 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.**

The incorporated references are to the Administrative Code and the Revised Code, which are exempt pursuant to Section 121.75 of the Revised Code. The Administrative Code and the Revised Code are available in libraries and on the internet at codes.ohio.gov.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **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

The impact of increasing payment rates for Non-Medical Transportation at the per-mile rate is addressed in the Rule Summary and Fiscal Analysis form for new rule 5123-9-18.

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

The rule requires county boards of developmental disabilities to ensure an Acuity Assessment Instrument is completed for each individual receiving an adult day service, assign the individual to groups for purposes of provision of services, determine the individual's budget limitations, authorize payment for services, communicate information about these processes and outcomes to individuals being served, and assist individuals to request administrative review by the Department. The rule requires providers of Adult Day Support, Group Employment Support, and Vocational Habilitation to ensure and document that sufficient staff are engaged in provision of the services. These activities consume staff resources, the cost of which varies by county board of developmental disabilities/provider based on multiple factors (e.g., number and nature of individuals served, number of staff employed, and staff wages and benefits) and is unknown by the Department.

**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? Yes**

**17. 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? No**

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

Paragraph (E)(5) requires providers of Adult Day Support, Group Employment Support, and Vocational Habilitation to document that sufficient staff are engaged in provision of the services to ensure the health and safety and achievement of outcomes identified in the Individual Service Plans of individuals being served.

- 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**