

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-9-30

Rule Type: Amendment

Rule Title/Tagline: Home and community-based services waivers - homemaker/ personal care under the individual options and level one waivers.

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? 7/5/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5123.04, 5123.049, 5123.1611
5. What statute(s) does the rule implement or amplify? 5123.04, 5123.045, 5123.049, 5123.16, 5123.161, 5123.1611, 5166.21
6. What are the reasons for proposing the rule?

The Department is amending rule 5123-9-30 to reflect adjustments made to the Level One Waiver payment limitations.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule defines Homemaker/Personal Care and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

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.**

Not Applicable

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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Amending rule 5123-9-30 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?**

The rule requires a person or agency seeking approval to provide the service to submit an application and supporting documentation to the Department and obtain a Medicaid provider agreement from the Ohio Department of Medicaid. The rule requires a provider of services to maintain service documentation. These activities consume staff resources, the cost of which varies by applicant/provider and is unknown to the Department. Paragraphs (C) and (F) require staff providing the service to be trained. Training consumes staff resources and there may be a cost associated with obtaining the training from another entity. Paragraph (D)(1) require a provider

of services to participate in Individual Service Plan (ISP) development meetings when requested by the individual receiving services. The time spent by providers in ISP meetings varies, cannot be billed to the Home and Community-Based Services waiver, and is unknown to 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**

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? Yes**

Paragraph (C) requires a provider of services to be certified by the Department and have a Medicaid provider agreement with the Ohio Department of Medicaid.

- 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 (C)(7) sets forth that failure of a certified provider to comply with this rule and rule 5123:2-2-01 may result in denial, suspension, or revocation of the provider's certification.

Paragraph (C)(8) sets forth that failure of a licensed provider to comply with this rule and Chapter 5123:2-3 of the Administrative Code may result in denial, suspension, or revocation of the provider's license.

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

Paragraph (E) requires a provider of services to maintain service documentation.