

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-9-30

Rule Type: New

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?
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? 5123.049, 5123.16, 5123.161, 5123.1611, 5166.21, 5123.04, 5123.045
6. What are the reasons for proposing the rule?

The Department is rescinding rule 5123:2-9-30 and adopting new replacement rule 5123-9-30.
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 increase expenditures.

\$9.8 million

Rescinding rule 5123:2-9-30 and adopting new replacement rule 5123-9-30 (which includes a new Staff Competency payment rate modification) is expected to increase the Department's annual expenditures by \$9.8 million.

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

Not applicable.

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 an applicant seeking approval to provide Homemaker/Personal Care to complete and submit an application to the Department and to 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) sets forth that failure to comply with this rule and other applicable rules may result in denial, suspension, or revocation of a provider's certification or 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 Homemaker/Personal Care to maintain service documentation.