

## 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.**

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 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?**

The rule requires a person or agency seeking approval to provide the service to submit an application and supporting documentation to the Department, obtain a Medicaid provider agreement from the Ohio Department of Medicaid, and maintain service documentation. These activities consume staff resources, the cost of which varies by applicant/provider and are unknown to the Department. Paragraphs (C) and (F) require staff providing Homemaker/Personal Care to be trained. Training consumes

staff resources and/or there may be a cost associated with obtaining the training from another entity. Paragraph (D)(1) requires providers 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 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.