

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-9-32

Rule Type: New

Rule Title/Tagline: Home and community-based services waivers - participant-directed homemaker/personal care under the individual options, level one, and self-empowered life funding 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? 5123.04, 5123.045, 5123.049, 5123.16, 5123.161, 5123.1611, 5166.21
6. What are the reasons for proposing the rule?

The Department is rescinding rule 5123:2-9-32 and adopting new replacement rule 5123-9-32.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule defines Participant-Directed 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.**

A new version of the rule was uploaded to correct a Rule Authoring Software error with regard to paragraph rankings (F)(4)(a)(iii)(a) and (F)(4)(a)(iii)(b). No change was made to text of 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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Rescinding rule 5123:2-9-32 and adopting new replacement rule 5123-9-32 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 and complete training. These activities consume staff resources, the cost of which varies by applicant/provider 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)(9) sets forth that failure to comply with this rule and applicable provisions of rule 5123:2-2-01 may result in denial, suspension, or revocation of the provider's certification.

- 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.