

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-1-06.1
Rule Type: Amendment
Rule Title/Tagline: Home and community-based service waivers: PASSPORT.
Agency Name: Ohio Department of Medicaid
Division:
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/15/2018
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?** 5166.02
5. **What statute(s) does the rule implement or amplify?** 173.52
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update the policy related to the administration of the PASSPORT waiver program, to align policy related to the PASSPORT and Ohio Home Care waiver programs and in compliance with five year rule review.

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

OAC 516-1-06.1 sets forth the PASSPORT covered services and the maximum allowable rates for these services. Changes to the rule include: removing the reference to

the limit on the community transition service in Paragraph (F); arranging the list of services in alphabetical order in Appendix (A); modifying the billing maximums for home delivered meals, personal emergency response systems, and minor home modification, maintenance and repair in Appendix (A); renaming "emergency response system services" to "personal emergency response system services" in Appendix (A); renaming "home modification" to "home modification, maintenance and repair services" in Appendix (A); renaming "transportation" to "non-emergency medical transportation" in Appendix (A); and other grammatical and technical edits.

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. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**
- This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3). OAC Medicaid rules may be found online at: <http://codes.ohio.gov/oac/5160>.
- This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1). The Ohio Revised Code references may be found online at: <http://codes.ohio.gov/orc/51>.
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.

\$1,345,550

The expected increase for this biennium is above. The expected increase for the next biennium is approximately \$5,378,200.

Home Delivered Meals: There are two amendments proposed that impact the projected expenditures for this service. First, in OAC 5160-1-06.1, there is a change to both regular and therapeutic/ kosher meal rates resulting in a consistent rate and policy with the Ohio Home Care waiver. The maximum allowable statewide rate for a regular meal is \$6.50 per meal. The maximum allowable statewide rate for a therapeutic/kosher meal is \$8.68 per meal. Second, OAC 5160-31-07 is proposed for amendment to eliminate various regional reimbursement rates and adopt a single statewide rate. The combined impact of these proposed changes is projected to result in an increase in expenditures of \$881,500 in SFY19, which is shown in this RSFA.

Personal Emergency Response System: The increase in the maximum allowable reimbursement limit is made to adopt a consistent policy with the MyCare Ohio and Ohio Home Care waivers. The current initial installation rate (\$31.78) and the current first month of rental rate (\$31.78) can be billed in the first month of utilizing the service. Effective 1/1/2019, the statewide maximum allowable rate for installation is \$32.95 and the statewide maximum allowable rate for the monthly rental is \$32.95. This is projected to result in an increase in expenditures of \$464,050 for SFY19.

Minor Home modification, maintenance and repair: The change to the maximum allowable reimbursement limit is made to adopt a consistent policy with the MyCare Ohio and Ohio Home Care waivers. There is no change in expenditures projected because there is no change in the scope of the service currently available and the average utilization per person is approximately \$1800.00.

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? No

16. Does this rule have an adverse impact on business? No

- 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? No**