

## 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:**  
**Address:** 50 Town St 4th floor Columbus OH 43218-2709  
**Contact:** Tommi Potter **Phone:** 614-752-3877  
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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?** 7/1/2024
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 110 - 134  
- Primary Sponsor Scott Oelslager
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 increase the maximum allowable reimbursement for certain services under the PASSPORT waiver in accordance with house bill 110. The rule is also being amended to update rule citations.

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

This rule sets forth the covered services and the maximum allowable rates for services furnished under the PASSPORT waiver. This rule is being proposed for amendment to increase the maximum allowable reimbursement for waiver nursing, personal care, homemaker, adult day and home delivered meal services set forth in Appendix A. This rule is also being amended to update rule citations in Appendix A.

- 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. 121.75, 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 Revised Code (ORC). This question is not applicable to any incorporation by reference to another ORC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75.

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 121.75.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The change made in the revised version of this rule is in Appendix A. The change is to include an increase of the maximum allowable reimbursement for home delivered meals: regular services set forth in Appendix A.

## **II. Fiscal Analysis**

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will increase expenditures.

\$29,585,884

The Ohio Department of Medicaid (ODM) biennial budget incorporates billing maximum rate increases for services provided through the PASSPORT waiver program. Ohio Administrative Code (OAC) rules associated with proposed rate increases reflect a 6.1% increase for waiver nursing, personal care, and homemaker services. Ohio

Administrative Code (OAC) rules associated with proposed rate increases reflect a 25% increase for adult day services. Ohio Administrative Code (OAC) rules associated with proposed rate increases reflect a 10.76% increase for home delivered meals: regular services.

Waiver Nursing: The impact of these proposed changes is projected to result in an increase in expenditures of \$40,000 in SFY2022 and SFY2023.

Personal Care: The impact of these proposed changes is projected to result in an increase in expenditures of \$19,500,000 in SFY2022 and SFY2023.

Homemaker: The impact of these proposed changes is projected to result in an increase in expenditures of \$1,000,000 in SFY2022 and SFY2023.

Adult Day: The impact of these proposed changes is projected to result in an increase in expenditures of \$3,045,884 in SFY2022 and SFY2023.

Home Delivered Meals: regular: The impact of these proposed changes is projected to result in an increase in expenditures of \$6,000,000 in SFY2022 and SFY2023.

**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**

**15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

**III. Common Sense Initiative (CSI) Questions**

**16. Was this rule filed with the Common Sense Initiative Office? No**

**17. 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
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
  - A. How many new regulatory restrictions do you propose adding?  
Not Applicable
  - B. How many existing regulatory restrictions do you propose removing?  
Not Applicable