

Rule Summary and Fiscal Analysis (Part A)**Ohio Department of Medicaid**

Agency Name

Division

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5160-12-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Reimbursement: home health services.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB64**General Assembly: **131**Sponsor: **Smith**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **5164.02, 5164.77**5. Statute(s) the rule, as filed, amplifies or implements: **5164.70, 5164.77**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed to comply with the direction of the Main Operating Budget FY2016-FY 2017, as passed by the 131st Ohio General Assembly. It is also being filed to clarify language surrounding the rates for skilled therapies.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

OAC 5160-12-05, entitled "Reimbursement: home health services" sets forth requirements for the reimbursement of home health services.

Paragraphs(A)(1)(a)-(c), (A)(2)(a)-(b), and OAC5160-12-05 Appendix A is being proposed for amendment to adjust the base and unit rates for home health aide services by five percent over the rates in effect on October 1, 2015, to correct terminology ("nursing aide" to "aide"), and to correct the rates for home health skilled therapy services.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

An existing appendix, Appendix B, was attached to the rule as it was inadvertently omitted from the original filing. No changes were made to the Appendix B (appendix 2). The appendix is being filed with the rule to ensure that it is also codified with the rule.

12. Five Year Review (FYR) Date: 7/1/2020

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase expenditures.

6,210,000.00

\$6.21 mil is the state share attributed to the rate increase for home health aide services, beginning January 1, 2016 through the end of the current biennium (\$2.07 mil state share for 2nd half of SFY 2016 and \$4.14 mil state share for full year, SFY 2017).

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

GRF line item 651525, Medicaid/Health Care Services, to increase the payment rate paid for home health aide services.

SECTION 327.250. RATE FOR HOME HEALTH AIDE SERVICES

(B) Notwithstanding section 5164.77 of the Revised Code, the Medicaid payment rate for home health aide services that are provided by a provider, other than an independent provider, during the period beginning January 1, 2016, and ending June 30, 2017, shall be at least five per cent higher than the rate in effect on October 1, 2015, for those services.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There are no costs associated with the compliance with the rule as the amendment is a rate payment increase for home health aide providers.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

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**