

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-12-08

Rule Type: Amendment

Rule Title/Tagline: Registered nurse assessment and registered nurse consultation services.

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?** 11/20/2020
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?** Ohio Revised Code Section 5164.02
5. **What statute(s) does the rule implement or amplify?** Ohio Revised Code Section 5164.02
6. **What are the reasons for proposing the rule?**

The rule is being amended to align state policy for Medicare certified home health agencies with federal changes enacted in the Cares Act and to provide flexibility for providers to use telehealth when performing RN assessment services if clinically appropriate.

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

Ohio Administrative Code 5160-12-08 defines coverage and reimbursement for the RN consultation and RN assessment services. The amendments allow the RN assessment service to be providing using telehealth when clinically appropriate.

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. 121.75, 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.**

Not Applicable

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 have no impact on revenues or expenditures.

0

The additional flexibilities in the amended rule are not anticipated to impact utilization or provider rates.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No costs of compliance are anticipated.

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? Yes

17. 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

OAC 5160-12-08 limits the individuals who can provide services to RNs and LPNs. In addition, the RN or LPN is required to be a non-agency Medicaid provider or be employed by either a Medicare certified home health agency or a home health agency accredited by another nationally recognized body. Note that these are existing requirements and are not impacted by this amendment.

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? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 1

Ohio Administrative Code Rule 5160-12-08(B)(3)(b) replaces "shall" with will so the rule says ""...the RN will..."