

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-28-12

Rule Type: New

Rule Title/Tagline: Establishment of a per-visit payment amount (PVPA) derived from a cost report submitted by a federally qualified health center (FQHC) or rural health clinic (RHC) site affected by a public health emergency (PHE) declaration.

Agency Name: Ohio Department of Medicaid

Division:

Address: 50 Town St 4th floor Columbus OH 43218-2709

Contact: Tommi Potter **Phone:** 614-752-3877

Email: tommi.potter@medicaid.ohio.gov

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? 5164.02
5. What statute(s) does the rule implement or amplify? 5162.03, 5164.02
6. What are the reasons for proposing the rule?

In response to fluctuations in costs during the COVID-19 PHE, the Ohio Department of Medicaid (ODM) adopted emergency rule 5160-28-12, "Establishment of Per-Visit Payment Amounts (PVPAs) Derived from a Cost Report Submitted by a Federally Qualified Health Center (FQHC) or Rural Health Clinic (RHC) Site Affected by a Public Health Emergency (PHE)." Because this emergency rule will expire in 120 days, ODM is proposing rule 5160-28-12 to allow a change to the time period of a cost report from which PVPAs are derived during any future PHEs. Without cost reporting flexibilities,

the potential impact to an affected FQHC or RHC is a permanent PVPA being set that does not reflect the costs of the FQHC or RHC during a non-PHE period.

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

This new rule allows during a PHE the time period covered by the applicable FQHC or RHC cost report to be altered in one of the following ways: the length of the period is set at not less than eight consecutive months nor more than twelve consecutive months; or an alternate beginning date of the period is set by ODM in collaboration with the FQHC or RHC site.

- 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

Not Applicable

- 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

