

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-31-03

Rule Type: New

Rule Title/Tagline: PASSPORT HCBS waiver program: eligibility and enrollment.

Agency Name: Ohio Department of Medicaid

Division:

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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?

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. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No

A. If so, what is the citation to the federal law or rule? Not Applicable

7. What are the reasons for proposing the rule?

This rule is being proposed due to updating eligibility criteria and incorporating enrollment process language from Rule 5160-31-04, "Enrollment process for PASSPORT HCBS waiver program" which is being proposed for rescission. Per the LSC guidelines, the rule is being filed as rescind/new as more than fifty percent of the rule is being amended with the addition and rescission of text.

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

Rule 5160-31-03, "Eligibility for enrollment in the PASSPORT HCBS waiver program" sets forth the eligibility requirements for enrollment in the PASSPORT program. Per the LSC guidelines, the rule is being filed as rescind/new as more than fifty percent of the rule is being amended with the addition and rescission of text. Rule is being proposed due to the following:

- # Rename rule title to "PASSPORT HCBS waiver program: eligibility and enrollment".
- # Incorporate enrollment process language from Rule 5160-31-04, "Enrollment process for PASSPORT HCBS waiver program". Rule 5160-31-04 is being proposed for rescission.
- # Update eligibility criteria in Paragraph (B)(7)(b).
- # Remove restrictive language.
- # Modify language and reformat requirements for clarification and grammatical errors.
- # Statutory citation updates.

9. Does the rule incorporate material by reference? Yes

10. 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 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.

This rule incorporates one or more references to the Social Security Act. This question is not applicable to those references in this rule because such references are exempt from compliance with RC 121.74 to 121.74 pursuant to RC 121.75.

This rule incorporates one or more references to the Code of Federal Regulations. This question is not applicable to those references in this rule because such references are exempt from compliance with RC 121.74 to 121.74 pursuant to RC 121.75.

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

Paragraph (A) originally referenced 173.25 of the Revised Code; typo corrected to reference 173.52 of the Revised Code.

II. Fiscal Analysis

- 12. 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.

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Not Applicable.

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

Not Applicable.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. 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

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

- 18. 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. 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 to this rule?
4

5160-31-03(B)(2) require

5160-31-03(B)(5) require

5160-31-03(B)(9) require

5160-31-03(C)(3)(b) may not

- B. How many existing regulatory restrictions do you propose removing from this rule? 0

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
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- D. Please justify the adoption of the new regulatory restriction(s).
Propose to add the word "require(ments)" and "may not" into the new rule to clearly articulate what is needed for eligibility and enrollment into the PASSPORT HCBS waiver program and to align with the approved Centers for Medicare and Medicaid Services (CMS) 1915(b) PASSPORT waiver application.