

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-32-03

Rule Type: Amendment

Rule Title/Tagline: Alternate electronic visit verification (EVV) vendor.

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? 7/1/2029

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? 5164.02

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 proposed as an amendment to expand options for independent providers in choosing an alternate EVV vendor.

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

5160-32-03 titled Alternate electronic visit verification (EVV) vendor sets forth the operational requirements for utilizing an alternate vendor for EVV data collection.

The proposed change is to remove the term "agency" as the single designation for type of provider the rule applies to. This proposed change will expand options for non-agency providers to choose an alternate vendor.

- 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. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A)(1)(d).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A)(1)(a).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(a).

- 11. 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

- 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.

Not applicable

Not applicable

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

This rule governs alternate vendor requirements. The costs of compliance are difficult to quantify and are dependent on time required for compliance or obtaining equipment and materials needed for compliance.

Costs would vary by provider and include:

- General administrative expenses for training providers on the use of EVV program requirements.
- If the use of an alternate data collection component is requested by an independent provider, the alternate vendor must satisfy all the technical and business requirements of ODM.
- If the use of an alternate EVV vendor is requested, the provider will notify ODM.
- Failure to comply with EVV program requirements may result in denial of payment or post payment review penalty.

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? Yes

18. 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

Alternate EVV vendors will obtain certification as an alternate vendor.

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? Yes**

Failure to comply with EVV program requirements may result in denial of payment or post payment review penalty. Notification of intent to utilize an alternate EVV vendor is provided to the department.

- 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? No**

- A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

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

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable