

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-44-33

Rule Type: Amendment

Rule Title/Tagline: Nursing facility-based level of care home and community-based services programs: structured family caregiving.

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? 10/1/2029
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? 5162.02
5. What statute(s) does the rule implement or amplify? Authorized By: 5166.02, Amplifies: 5162.03, 5166.02
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?

To update options of qualifying criteria for providers by adding an accreditation held by an organization recognized by the Centers for Medicare and Medicaid Services (CMS) or the United States Department of Health and Human Services (HHS).

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

Rule 5160-44-33, entitled "Nursing facility-based level of care home and community-based

services programs: structured family caregiving services," defines the service called structured family caregiving and sets forth provider qualifications, requirements for service delivery, documentation of services, and payment standards for the service.

This amendment expands optional qualifying criteria for providers by adding accreditation held by an organization recognized by the Centers for Medicare and Medicaid Services (CMS) or the United States Department of Health and Human Services (HHS).

- 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 Revised Code. Such reference is exempt from compliance with incorporation by reference requirements pursuant to ORC 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.**

This rule is being revised to add the CSIO recommendation and the dept response memo.

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

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

The rule requires providers to be a medicare certified home health agency, otherwise-accredited agency, hold an accreditation from an organization recognized by the Centers for Medicare and Medicaid Services (CMS) or the United States Department of Health and Human Services (HHS), or be an ODA certified provider.

The rule requires the provider's coaching and support professional staff to have one of the following types of licensures: a registered nurse (RN) or licensed practical nurse (LPN), at the direction of an RN, in accordance with Chapter 4723. of the Revised Code, a licensed social worker (LSW) or licensed independent social worker (LISW), in accordance with Chapter 4757. of the Revised Code.

*The tuition fees that are charged for home health aide certification programs are usually between \$300 and \$650.

*In Ohio, the average STNA class costs \$593 and is 3 weeks long. The exam costs \$104 (\$78 for skills and \$26 for written).

*To be considered for a license to provide skilled or non-medical home health service as a home health agency or nonagency provider, you must submit a completed application and a non-refundable application fee of \$250.00.

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

The rule requires providers to be a medicare certified home health agency, otherwise-accredited agency, hold an accreditation from an organization recognized by the Centers for Medicare and Medicaid Services (CMS) or the United States Department of Health and Human Services (HHS), or be an ODA certified provider.

The rule requires the provider's coaching and support professional staff to have one of the following types of licenses: a registered nurse (RN) or licensed practical nurse (LPN), at the direction of an RN, in accordance with Chapter 4723. of the Revised Code, a licensed social worker (LSW) or licensed independent social worker (LISW), in accordance with Chapter 4757 of the Revised Code.

Quantify:

The tuition fees that are charged for home health aide certification programs are usually between \$300 and \$650.

SOURCE: <https://www.bizinsure.com>

In Ohio, the average STNA class costs \$593 and is 3 weeks long. The exam costs \$104 (\$78 for skills and \$26 for written).

SOURCE: <https://dreambound.com>

To be considered for a license to provide skilled or non-medical home health service as a home health agency or nonagency provider, the provider must submit a completed application and a non-refundable application fee of \$250.00.

SOURCE: Home Health Agency Licensure (Ohio Department of Health)

- 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? 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