

Rule Summary and Fiscal Analysis (Part A)**Ohio Department of Medicaid**

Agency Name

Division

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Ohio home care waiver program: reimbursement rates and billing procedures.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB483**General Assembly: **131**Sponsor: **Amstutz**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **5162.03, 5164.77, 5166.02, 5166.041**5. Statute(s) the rule, as filed, amplifies or implements: **5162.03, 5164.70, 5164.77, 5166.01, 5166.02, 5166.041**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for amendment for the purpose of increasing the reimbursement rates for waiver nursing and personal care aide services provided under the Ohio Home Care Waiver, codifying overtime rates and billing procedures for non-agency providers of waiver nursing and personal care aide services, and

implementing the provisions set forth in Section 5166.041 of the Revised Code (Substitute House Bill 483 of the 131st General Assembly). It is also being proposed for amendment to comply with five-year review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the reimbursement rates and billing procedures for the Ohio Home Care Waiver. It is being amended for the purpose of increasing reimbursement rates for waiver nursing and personal care aide services provided by agency and non-agency providers and codifying overtime rates and billing procedures for waiver nursing and personal care aide services provided by non-agency providers. The rule is also being amended to modify the definition of "group setting" as it relates to the provision of waiver nursing services pursuant to Substitute House Bill 483 of the 131st General Assembly.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

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 121.76 (A)(3).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by

reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **10/14/2016**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase expenditures.

\$10,522,301

Pursuant to the Executive Budget, the Ohio Department of Medicaid (ODM) undertook a redesign of the rate-setting methodology for aide and nursing services available through the Medicaid State Plan and home and community-based service (HCBS) waivers, including waiver nursing and personal care aide services provided under the Ohio Home Care Waiver. The redesign took into account labor market data, education and licensure status of providers, whether providers are independent or home health agencies, and the length of time of service visits. The new rate setting methodology and rates were implemented in July 2015 (SFY 16). Separately, the SFY 16-17 budget also included a five percent increase for home health aides that took effect on January 1, 2016.

With this proposed amendment, ODM is adjusting the methodology and proposing a rate increase for the second half of SFY 17 for personal care aide services

available under the Ohio Home Care Waiver, and nursing services available through the Medicaid State Plan and HCBS waivers, again including waiver nursing under the Ohio Home Care Waiver. It is estimated this proposed rate increase will increase expenditures for the agency during the current biennium as follows:

Waiver Personal Care Aide: \$ 1,569,835 (all funds)

State Plan and Waiver Nursing: \$8,952,466 (all funds)

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

651525

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There are no new costs for providers and no new costs for individuals enrolled on the Ohio Home Care Waiver resulting from the amendment of this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

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**