

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-46-06

Rule Type: Amendment

Rule Title/Tagline: Ohio home care waiver program: reimbursement rates and billing procedures.

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?** 1/1/2022
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?** 5162.03, 5166.02
5. **What statute(s) does the rule implement or amplify?** 5162.03, 5164.70, 5164.77, 5166.01, 5166.02, 5166.041
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update the policy related to the administration of the Ohio Home Care waiver program and to align policy and service rates in the PASSPORT and Ohio Home Care Waiver programs.

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

Rule 5160-46-06 sets forth the reimbursement rates and billing procedures for Ohio home care waiver services. This rule is being proposed for amendment to update certain waiver service rates in alignment with the PASSPORT waiver. Changes to the rule include: renaming "emergency response system services" to "personal emergency response system services" in Table (B); modifying the personal emergency response systems rates for installation and testing and monthly fees in Table (B); modifying the home delivered meals service rate for a standard meal in Table (B); adding a code and rate for therapeutic or kosher meals in Table (B); adding a modifier in Paragraph (D) for use when providers are billing for therapeutic or kosher meals; and other technical changes were made throughout.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, 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 121.76(A)(3). OAC Medicaid rules may be found online at: <http://codes.ohio.gov/oac/5160>.

This rule incorporates one or more dated references to the United States Code. This question is not applicable to those references in this rule because such dated references are exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A). The USC can be found online at: <https://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE>.

This rule incorporates one or more dated references to the Social Security Act. This question is not applicable to those references in this rule because such dated references are exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A). The Social Security Act is available online at: https://www.ssa.gov/OP_Home/ssact/ssact-toc.htm

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. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will decrease expenditures.

\$309,750

The expected decrease for this biennium is above. The expected decrease for the next biennium is approximately \$1,239,000. This is offset by the increase in the PASSPORT waiver program which is expected to result in an overall increase in expenditures.

Home Delivered Meals: In rule 5160-46-06, the per meal rate has been reduced from \$6.99 per meal to \$6.50 per meal resulting in a reduction of expenditures for the Ohio Home Care Waiver administered through the Ohio Department of Medicaid (ODM). A therapeutic and kosher meal rate has been added in the amount of \$8.68 per meal. The meal rate established in this rule is in line with the per meal rate established in OAC rule 5160-1-06.1, aligning rates across services. While there is a decrease in the maximum allowable reimbursement limit for both regular and therapeutic/ kosher meals, proposed changes to OAC 5160-31-07 eliminate various regional reimbursement rates and adopt a single statewide rate. The combined impact of these proposed changes is projected to result in an increase in expenditures across ODA and ODM waivers. The expected decrease in expenditures for Ohio Home Care Waiver home delivered meals in SFY19 is \$112,500.

Personal Emergency Response System (PERS): In OAC rule 5160-46-06 the PERS installation and monthly fee rates are decreased from \$44.96 to \$32.95 resulting in a decrease in expenditures for the Ohio Home Care Waiver administered by ODM. This decrease is expected to result in a decrease in expenditures for the Ohio Home Care Waiver of \$197,250 in SFY19. Effective 1/1/2019, ODA will adopt the same rate which is an increase to their current statewide maximum allowable rate. The combined impact of these proposed changes is projected to result in an increase in expenditures across ODA and ODM waivers.

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

There are no costs of compliance associated with this rule.

- 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

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. 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