

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

Agency Name

Division

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5160-48-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Medicaid coverage of targeted case management services provided to individuals with mental retardation and developmental disabilities.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **No**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, 5164.02**5. Statute(s) the rule, as filed, amplifies or implements: **5162.03, 5164.02, 5164.70**

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

This rule is being proposed filed to amend the reimbursement methodology to certified providers of Targeted Case Management services.

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 specifies the conditions for Medicaid payment of Targeted Case Management (TCM) , which is comprised of those activities described in Section 5126.15 of the Ohio Revised Code and in rule 5123:2-1-11 of the Administrative Code. The rule is being amended to reflect the Ohio Department of Medicaid as the administrative agency and to update ORC references as appropriate. Additional changes were made to the following paragraphs:

(B) Amended paragraphs 2 and 5 to match other Medicaid definitions.

(G) Additional language added to end date the requirement.

(H) New paragraph added to the rule.

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 references to the Social Security Act. This question is not applicable to any incorporation by reference to the Social Security Act because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(B)(2).

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 121.76(A)(3).

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 121.76(A)(1).

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).

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).

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:

N/A

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: **7/1/2016**

(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 have no impact on revenues or expenditures.

0.00

The Department of Medicaid anticipates that there will be no impact in the amount of federal pass through funds that will be passed to the Ohio Department of Developmental Disabilities (DODD). However, DODD estimates that the local

County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds by moving to a Certified Public Expenditure (CPE) arrangement. The County Boards currently forward the non-federal funds to the State prior to receiving reimbursement at 100% for providing Targeted Case Management services in their counties. The CPE arrangement reimbursement methodology will permit the County Boards to decrease costs as well as receive timely reimbursement.

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

Fund 3G50 ALI 651655 Medicaid Interagency Pass Through Funds

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:

The cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBsDD). County Boards of Developmental Disabilities (CBsDD) are responsible for the non-federal share of providing Targeted Case Management services in their counties. This amount may vary depending on the size of the county and the number of individuals needing Targeted Case Management services. The Department of Developmental Disabilities projects that the County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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**

This rule does not require a license, permit, or any other prior authorization to engage in or operate a line of business.

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**

This rule does not impose a criminal penalty , a civil penalty, or another sanction, or create a cause of action, for failure to comply with it's terms.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

This rule does not require specific expenditures or the report of information as a condition of compliance.

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

The cost of compliance with the proposed rule will vary for each County Board of Developmental Disabilities (CBsDD). County Boards of Developmental Disabilities (CBsDD) are responsible for the non-federal share of providing Targeted Case Management services in their counties. This amount may vary depending on the size of the county and the number of individuals needing Targeted Case Management services in each county. The Department of Developmental Disabilities projects that the County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The summary of comprehensive costs for the proposed rule will vary for each

County Board of Developmental Disabilities (CBsDD). County Boards of Developmental Disabilities (CBsDD) are responsible for the non-federal share of providing Targeted Case Management services in their counties. This amount may vary depending on the size of the county and the number of individuals needing Targeted Case Management services in each county. The Department of Developmental Disabilities projects that the County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds.

(a) Personnel Costs

The personnel costs for the proposed rule will vary for each County Board of Developmental Disabilities (CBsDD). County Boards of Developmental Disabilities (CBsDD) are responsible for the non-federal share of providing Targeted Case Management services in their counties. This amount may vary depending on the size of the county and the number of individuals needing Targeted Case Management services in each county. The Department of Developmental Disabilities projects that the County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds.

(b) New Equipment or Other Capital Costs

The amount of new equipment or other capital costs for the proposed rule will vary for each County Board of Developmental Disabilities (CBsDD). County Boards of Developmental Disabilities (CBsDD) are responsible for the non-federal share of providing Targeted Case Management services in their counties. This amount may vary depending on the size of the county and the number of individuals needing Targeted Case Management services in each county. The Department of Developmental Disabilities projects that the County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds.

(c) Operating Costs

The operating costs for the proposed rule will vary for each County Board of Developmental Disabilities (CBsDD). County Boards of Developmental Disabilities (CBsDD) are responsible for the non-federal share of providing Targeted Case Management services in their counties. This amount may vary depending on the size of the county and the number of individuals needing Targeted Case Management services in each county. The Department of Developmental Disabilities projects that the County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds.

(d) Any Indirect Central Service Costs

The indirect central service costs for the proposed rule will vary for each County Board of Developmental Disabilities (CBsDD). County Boards of Developmental Disabilities (CBsDD) are responsible for the non-federal share of providing Targeted Case Management services in their counties. This amount may vary depending on the size of the county and the number of individuals needing Targeted Case Management services in each county. The Department of Developmental Disabilities projects that the County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds.

(e) Other Costs

The other costs for the proposed rule will vary for each County Board of Developmental Disabilities (CBsDD). County Boards of Developmental Disabilities (CBsDD) are responsible for the non-federal share of providing Targeted Case Management services in their counties. This amount may vary depending on the size of the county and the number of individuals needing Targeted Case Management services in each county. The Department of Developmental Disabilities projects that the County Boards of Developmental Disabilities (CBsDD) will save approximately \$30 million in non-federal funds.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The filing this rule will not have an impact on the local County Boards of Developmental Disabilities to pay because there are no new requirements imposed by the proposed rule.

7. Please provide a statement on the proposed rule's impact on economic development.

Economic development will not be impacted by this rule.