

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5160-56-04

**Rule Type:** Amendment

**Rule Title/Tagline:** Hospice services: provider requirements.

**Agency Name:** Ohio Department of Medicaid

**Division:**

**Address:** 50 Town St 4th floor Columbus OH 43218-2709

**Contact:** Tommi Potter **Phone:** 614-752-3877

**Email:** tommi.potter@medicaid.ohio.gov

#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 7/16/2024
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? 5162.02
6. What are the reasons for proposing the rule?

Five-year review
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule sets forth the provisions for the responsibilities of a hospice to be eligible to provide and to request reimbursement for hospice services. The changes to the rule are:

  - 1) Language in old paragraph (A) is being deleted because it is not necessary.

- 2) Language in old paragraph (D) is being deleted because it is not necessary.
- 3) Certain language is being deleted because it is not necessary.
- 4) Paragraphs are being re-lettered as necessary.
- 5) Dates for various publications are being updated throughout the rule.
- 6) Regulatory restrictions are being removed throughout the rule pursuant to section 121.95 of the Revised Code.

- 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. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

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

This rule incorporates one or more references to another rule or rules of the Administrative Code. This question is not applicable to any incorporation by reference to another Administrative Code rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

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).

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

- 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. 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.

0.00

Not Applicable.

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

The initial and renewal application fee for hospice licensure is \$600 per provider. The Medicaid application fee of \$631 is waived for licensed hospices that are Medicare certified, which is required by ODM pursuant to 5160-1-17.8 of the Administrative Code. The hospice provider must be licensed, and Medicare certified by the Ohio Department of Health (or accrediting organization) in order to be a Medicaid hospice provider, as licensure and Medicare certification are requirements for all hospice providers in Ohio regardless of whether they serve Medicaid or non-Medicaid individuals. See rule 3701-19-02 of the Administrative Code. The every three years' renewal for ODH licensure cost is \$600 every three years, and at least every 36 months ODH (or an accrediting organization) completes a Medicare recertification survey at a cost of \$1,625.

**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**

**15. 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**

**16. Was this rule filed with the Common Sense Initiative Office? Yes**

**17. 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**

To be eligible to participate in the Ohio Medicaid program, this rule requires hospice providers to be licensed by the Ohio Department of Health in

accordance with Chapter 3712. of the Revised Code. In addition, this rule requires hospice providers to execute a Medicaid provider agreement according to OAC rule 5160-1-17.2 to be eligible to provide Medicaid hospice services.

- 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 14**

5160-56-04 must

5160-56-04 (F) must

5160-56-04 (G) must

5160-56-04 (H) shall

5160-56-04 (I) must

5160-56-04 (I) must

5160-56-04 (I) must

5160-56-04 (J) must

5160-56-04 (I)(4) must

5160-56-04 (L) must

5160-56-04 (L)(1) shall

5160-56-04 (L)(2) shall

5160-56-04 (L)(3) must

5160-56-04 (L)(3) shall

- 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.