

## **Rule Summary and Fiscal Analysis**

### **Part A - General Questions**

**Rule Number:** 5160-59-05

**Rule Type:** Amendment

**Rule Title/Tagline:** OhioRISE home and community-based services waiver: covered services and providers.

**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?** 7/1/2027

**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?** 5167.02, 5166.04

**5. What statute(s) does the rule implement or amplify?** 5162.03, 5166.02, 5167.03

**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?**

The reason for proposing this rule is to align the provider criteria with the OhioRISE 1915(c) waiver to allow care management entities (CME) to be an OhioRISE waiver service provider, upon approval by ODM.

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

Ohio Administrative Code (OAC) rule 5160-59-05, entitled "OhioRISE home and community-based services waiver: covered services and providers," establishes the services available under the Ohio resilience through integrated systems and excellence (OhioRISE) home and community-based services (HCBS) 1915(c) waiver program (waiver) established in accordance with 1915(c) of the Social Security Act 42 U.S.C.1396n, and the providers eligible to furnish those services to youth enrolled on the waiver.

This rule is being proposed for amendment to align the provider criteria with the OhioRISE 1915(c) waiver. The amendment also includes grammar changes and updated U.S.C. citation dates.

**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 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). OAC Medicaid rules may be found online at: <http://codes.ohio.gov/oac/5160>.

This rule incorporates one or more dated citations 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).

**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 was revised to correct the date of the Chapter 119. hearing in the public hearing notice.

## **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 increase expenditures.

\$3,933

OAC rule 5160-59-05 entitled "OhioRISE home and community-based services waiver: covered services and providers" is being proposed for amendment to allow an additional provider type to provide OhioRISE 1915(c) waiver services.

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

The cost of compliance associated with this rule change consist of an employee spending additional time submitting a prior approval request to ODM before any OhioRISE 1915(c) waiver services can be rendered. This estimated cost of compliance would vary based on additional training needed for employees and time spent creating the prior approval for ODM review. Many costs are expected to be administrative and in time spent training existing staff, updating technology, and creating the request for prior approval.

**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**

Upon prior approval by the Ohio department of medicaid (ODM), providers that have responsibility for developing the child and family-centered care plan for a youth can provide other direct OhioRISE 1915(c) waiver services to that youth.

- 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