

**MEMORANDUM**

TO: Tom Simmons, Policy Manager and Regulatory Ombudsman,
Ohio Department of Aging

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: May 30, 2013

RE: **CSI Review – Cost Sharing & Voluntary Contributions (OAC 173-3-07)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one existing rule being proposed for amendment by the Ohio Department of Aging (ODA). The rule has been reviewed under the five-year review requirement of ORC 119.032. The rule was submitted to the CSI Office on May 3, 2013, and the comment period expired on May 19, 2013. No comments were received during the comment period. However, ODA did submit a slightly revised rule and BIA on May 9, 2013. Neither revised document included substantive changes.

The rule outlines requirements for cost sharing and voluntary contributions to be implemented by providers of senior services in Ohio. In its BIA, the Department explains the federal law that serves as the basis for these requirements, and notes that the intent of the federal law is to allow for services to seniors whose incomes might otherwise exclude them from participation in the Medicaid program. In so doing, the payments from these seniors help subsidize services to lower income recipients.

The BIA describes a robust stakeholder outreach by ODA to solicit input as part of the five-year

review, and identified the changes it is proposing based on its own review and the input received from stakeholders. The adverse impact to businesses from the rule is primarily the administrative expense to collect and account for the payments from cost sharing and voluntary contributions. However, ODA notes that the providers also receive additional revenue as a result of these payments. Moreover, the requirements of the rule are based on requirements in Ohio and federal law.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that ODA should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.