

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-3-80

Rule Type: Rescission

Rule Title/Tagline: Health care isolation centers.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 8/30/2024
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?** 5168.56
5. **What statute(s) does the rule implement or amplify?** 5164.02, 5165.02
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?**

This rule is being proposed for rescission due to the end of the COVID-19 public health emergency and related federal authority.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth provisions for the temporary operation of facilities to be used as health care isolation centers (HCIC) during the COVID-19 public health emergency.

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.**

The rule incorporates one or more references to the Nursing Facility Billing Instructions for services.

11. **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

12. **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

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

The facility will spend approximately one hour to obtain the letter documenting the need for HCIC capacity from the Hospital Zone Lead. This time may vary depending on individual circumstances surrounding the facility's application and the zone leadership.

The cost of complying with state licensure and federal certification requirements varies depending on facility characteristics, including patient acuity, the physical plant, the business model, and number of beds. Those costs include costs related to the physical plant, staffing, food and supplies, utilities, administrative costs and other operating costs. We are unable to calculate an estimated cost given the potential for wide variation among facilities.

Costs per patient day that exceed those of a nursing facility not offering these services may include additional staff costs, additional equipment costs and additional expenditures for personal protective equipment. These costs will vary widely by facility based on the type of service provided, the number of beds included in the HCIC unit, other facility characteristics and the acuity of the individuals served. As a result, we are unable to estimate the cost of a facility.

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

HCICs are subject to state licensure and federal certification requirements. Nursing facilities interested in being designated as HCICs are required to submit a letter from the Hospital Zone Lead documenting the need for the HCIC capacity.
 - 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?** Yes

In addition, HCICs are required to meet staffing, medication, and supply requirements specific to the services being provided.

Operators of HCICs may incur additional costs related to staffing, personal protective equipment, and infection control.

- 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? 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?** 1

5160-3-80(A)(2)(e) remove "require"

- C. **If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

5160-3-80(A)(2)(e) remove "require"

- D. **Please justify the adoption of the new regulatory restriction(s).**

Not Applicable