



Department of Medicaid

Mike DeWine, Governor
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To: ALL CLEARANCE REVIEWERS

From: Icilda Dickerson, Chief, Bureau of Long-Term Services and Supports

Date: October 8, 2020

Subject: **Five Year Rule Review of Ohio Administrative Code 5160-41-16**

Attached for your review and comment is proposed Ohio Administrative Code (OAC) rule 5160-41-16 which authorizes the Department of Developmental Disabilities (DODD) to assist a county board of developmental disabilities to pay the non-federal share of Medicaid expenditures for home and community-based services (HCBS).

Rule 5160-41-16, entitled *Assistance to enable a county board of developmental disabilities to pay non-federal share of medicaid expenditures for home and community-based services* describes the authorization for DODD to assist a county board of developmental disabilities with payment for HCBS when a county property tax levy fails.

OAC 5160-41-16 is due for five year rule review in February 2021. As a result of the Department of Medicaid's review of this rule, the determination was made that this rule is needed in order to authorize DODD's ability to provide assistance to a county board when a property tax levy has failed. OAC 5160-41-16 authorizes DODD's governing rule 5123:1-5-02, to be renumbered 5123-4-05, which outlines the process by which a county board requests assistance with paying the non-federal share of Medicaid expenditures to DODD.

Minor revisions were incorporated into proposed rule 5160-41-16 to reflect the renumbering of DODD's OAC rule and the expiration of the Transitions Developmental Disabilities waiver.

Thank you in advance for your review of this rule.

Attachments

5160-41-16 **Assistance to enable a county board of developmental disabilities to pay non-federal share of medicaid expenditures for home and community-based services.**

(A) Purpose.

This rule authorizes the provisions set forth in rule ~~5123:1-5-02~~5123-4-05 of the Administrative Code which sets forth the process a county board of developmental disabilities must follow to request assistance from the department of developmental disabilities (DODD) in the event of failure of a county property tax levy for home and community-based services (HCBS) to individuals with developmental disabilities in that county.

(B) Definitions.

- (1) "County board" means a county board of developmental disabilities established under Chapter 5126. of the Revised Code.
- (2) "Home and community-based services" means medicaid-funded home and community-based services provided pursuant to ~~sections~~section 5166.20 and ~~5166.21~~ of the Revised Code.
- (3) "OBM" means the office of budget and management as established by section 121.02 of the Revised Code.
- (4) "ODM" means the Ohio department of medicaid.
- (5) "DODD" means the Ohio department of developmental disabilities established under section 121.02 of the Revised Code.

(C) Requirements.

- (1) A county board of developmental disabilities may request assistance from the DODD to pay the non-federal share of medicaid expenditures for home and community-based services when a local county board operating levy fails in accordance with rule ~~5123:1-5-02~~5123-4-05 of the Administrative Code.
- (2) Prior to a county board of developmental disabilities receiving assistance, the DODD shall notify and consult with both OBM and ODM.

- (3) Documentation submitted by a county board to make a request for assistance and/or any documentation used by the department to determine a decision of approval or denial shall be made available to OBM or ODM upon request.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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| Promulgated Under: | 119.03 |
| Statutory Authority: | 5162.03, 5164.02, 5166.02 |
| Rule Amplifies: | 5162.03, 5164.02, 5166.02 |
| Prior Effective Dates: | 09/01/2010, 02/21/2016 |