

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-1-04

Rule Type: New

Rule Title/Tagline: ODA-administered programs during the federal COVID-19 public health emergency.

Agency Name: Department of Aging

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?**
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?** 121.07, 173.01, 173.02, 173.391, 173.392, 173.52, 173.522, 173.54, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.391, 173.392, 173.52, 173.522, 173.54, 173.543
6. **What are the reasons for proposing the rule?**

ODA proposes to adopt this new rule to give providers, area agencies on aging (AAAs), and PASSPORT administrative agencies (PAAs) regulatory relief or flexibility. This proposed new rule will enable providers, AAAs, and PAAs to exercise social distancing to limit the spread of COVID-19 to vulnerable older Ohioans who receive long-term care services and supports. It will also ensure that ODA remains in compliance with requirements attached to federal funds.

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

This proposed new rule will declare that any regulatory relief or flexibility in effect during a state of emergency declared by the governor will remain in effect until the end of the federal public health emergency. It will replace emergency rule 173-1-04 of the Administrative Code, which was authorized by executive order 2021-09D and will expire on October 17, 2021.

This proposed new rule will extend the regulatory relief and flexibilities in rules 173-3-06.1, 173-3-06.2, 173-3-06.3, 173-3-06.4, 173-3-06.5, 173-3-06.6, 173-4-04, 173-4-05, 173-4-05.1, 173-4-05.2, 173-4-05.3, 173-4-07, 173-4-09, 173-4-10, 173-4-11, 173-39-02.1, 173-39-02.7, 173-39-02.8, 173-39-02.10, 173-39-03, 173-39-03.3, 173-39-03.4, 173-40-03, and 173-51-03 of the Administrative Code until the end of the federal public health emergency.

This proposed new rule will not create any new requirements for providers, AAAs, or PAAs.

8. Does the rule incorporate material by reference? No

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.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

ODA made a revised filing of this rule to upload a revised public hearing notice. In doing so, ODA did not revised the rule.

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

ODA estimates that the adoption of this proposed new rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

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

This proposed new rule will not create any new requirements for providers, AAAs, or PAAs. Instead, it will extend the regulatory relief and flexibilities in rules 173-3-06.1, 173-3-06.2, 173-3-06.3, 173-3-06.4, 173-3-06.5, 173-3-06.6, 173-4-04, 173-4-05, 173-4-05.1, 173-4-05.2, 173-4-05.3, 173-4-07, 173-4-09, 173-4-10, 173-4-11, 173-39-02.1, 173-39-02.7, 173-39-02.8, 173-39-02.10, 173-39-03, 173-39-03.3, 173-39-03.4, 173-40-03, and 173-51-03 of the Administrative Code until the end of the federal public health emergency.

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? No

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

This proposed new rule will not create any new requirements for providers, AAAs, or PAAs. Instead, it will extend the regulatory relief and flexibilities in rules 173-3-06.1, 173-3-06.2, 173-3-06.3, 173-3-06.4, 173-3-06.5, 173-3-06.6, 173-4-04, 173-4-05, 173-4-05.1, 173-4-05.2, 173-4-05.3, 173 4-07, 173-4-09, 173-4-10, 173-4-11, 173-39-02.1, 173-39-02.7, 173-39-02.8, 173-39-02.10, 173-39-03, 173-39-03.3, 173-39-03.4, 173-40-03, and 173-51-03 of the Administrative Code until the end of the federal public health emergency. Those rules require expenditures and reporting information.

- 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? No**

- A. How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?**

Not Applicable