

**Rule Summary and Fiscal Analysis (Part A)****Department of Aging**

Agency Name

Division

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**173-13-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Introduction and definitions.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **173.01, 173.02, 1347.15**5. Statute(s) the rule, as filed, amplifies or implements: **1347.15**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

ODA's filing of this rule is part of a larger rule project. State law requires ODA to review its rule no later than each rule's assigned review date. ODA has reviewed Chapter 173-13 of the Administrative Code ODA also conducted an online public-comment period from April 1 to April 12, 2015, during which, ODA received no comments.

Now, is making this rule filing to propose amendments to the chapter of rules. Because ODA's proposed amendments to this rule would have been over more than

50% of the text, ODA is proposing to adopt this new rule to replace a rule of the same number that ODA is, simultaneously, proposing to rescind.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule introduces Chapter 173-13 of the Administrative Code and defines terms used in the chapter.

Compared to the rule of the same number that ODA simultaneously proposes to rescind, this new rule would do the following:

1. Insert "of the Administrative Code" after "Chapter 173-13."
2. In paragraph (A), insert "ODA in between "regulates" and "employee access."
3. In paragraph (A), replace "retains" with "maintains."
4. Delete the second sentence of paragraph (A). It's redundant of the "authorized by" language that appears at the end of the rule.
5. List the definitions in alphabetical order without enumeration.
6. Replace "as of the effective date of this rule" in the definition for "acquisition of a new computer system" with the first effective date for this rule, which was August 30, 2010.
7. Replace the definition of "employee of the state agency" with "ODA employee."
8. Delete the definition for "Routine information that is maintained for the purpose of internal office administration...." The term is not used in the chapter.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide

an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

ODA estimates that the adoption of this proposed new rule would have no impact upon the biennial budget that the Ohio General Assembly established for ODA.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure

necessitated by the proposed rule:

GRF-490-321 Operating Expenses.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

ODA estimates that this rule creates no cost of compliance to any directly-affected person other than to ODA and its employees.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

This rule requires no actions of the business community.

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**