

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

Agency Name

Division

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173-13-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Confidentiality statutes and regulations.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB359**General Assembly: **131**Sponsor: **Reps. Duffey,
Gonzales**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:

H.B. 359 (131st G.A.) creates an address confidentiality program within the Ohio Secretary of State's Office for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. ODA is proposing to amend the rule to incorporate new ORC§111.43 into the list of statutes making personal information maintained by ODA confidential.

State law also requires ODA to review each rule in its entirety no later than its

assigned review date. ODA reviewed OAC173-13-04 in such a manner. ODA also conducted an online public-comment period from Sept. 9 to Sept. 18, during which ODA received no comments. ODA is now filing the proposed amended rule with JCARR.

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 lists statutes and rules making personal information maintained by ODA confidential.

ODA's proposed amendments include (1) implementing the new Safe at Home Program into the rule, (2) updating dates associated with incorporation by reference, and (3) simple language updates that do not change the meaning of the rule.

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:

The rule mentions federal statutes and rules that are available to the general public free of charge from the federal government in the United States Code (<http://uscode.house.gov/>) and the Electronic Code of Federal Regulations (<http://www.ecfr.gov/>).

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:

It would be impractical to incorporate voluminous texts of federal statutes and rules into this simple rule that indexes such laws. Because the statutes and rules are available to the general public free of charge on the aforementioned federal websites, ODA is merely citing the statutes and rules.

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: **9/19/2016**

(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**

The 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**

The rule requires no actions of the business community.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

The rule requires no actions of the business community.