

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-13-04

**Rule Type:** Amendment

**Rule Title/Tagline:** Confidentiality statutes and rules.

**Agency Name:** Department of Aging

**Division:**

**Address:** 246 N. High St. 1st floor Columbus OH 43215-2046

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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? 6/29/2020**
- 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, 1347.15**
- 5. What statute(s) does the rule implement or amplify? 1347.15**
- 6. What are the reasons for proposing the rule?**

ODA adopted Chapter 173-13 of the Administrative Code to comply with R.C. §1347.15, which requires each state agency to adopt rules to regulate employee handling of confidential personal information (CPI). ODA reviewed this rule as part of its 5-year review of Chapter 173-13 of the Administrative Code and now proposes to make non-substantive amendments to it.

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

This rule lists all known CPI statutes and rules that require ODA and its employees to handle personal information as CPI.

ODA proposes to make non-substantive amendments to this rule, including the following:

1. Add "Confidential personal information" to the beginning of the title. because the Ohio Administrative Code does not have chapter titles and because many readers find rules by internet searches, adding the phrase will give context to this rule (in the absence of a chapter title) and optimizes the title for internet searches.

2. Correct a reference from 42 C.F.R. 1321.11 to 45 C.F.R. 1321.11.

3. Remove dates associated with the federal statutes and rules since ODA is not incorporating them by reference.

4. Insert "parts" before "160" in the reference to 45 C.F.R. [parts] 160, 162, 164.

5. Update "5160:1-1-51.1" with "5160-1-32," which is the Ohio Department of Medicaid's current number for that rule.

**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 reschedule the public hearing and to upload a new public hearing notice into the Register of Ohio. In doing so, ODA did not make any revisions to this 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's proposed amendments to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

Not applicable: This rule only regulates ODA and its employees.

**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: This rule does not impose a fee.

### **III. Common Sense Initiative (CSI) Questions**

**16. Was this rule filed with the Common Sense Initiative Office? No**

**17. Does this rule have an adverse impact on business? No**

**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 only regulates ODA and its employees.

**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**

This rule only regulates ODA and its employees.

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

This rule only regulates ODA and its employees.

- 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

This rule only regulates ODA and its employees.

**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