

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

Agency Name

Division

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173-2-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Currently-desingated AAAs.**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? **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, 173.011, 173.02; 45 C.F.R. 1321.11 (October 1, 2015)**5. Statute(s) the rule, as filed, amplifies or implements: **173.01, 173.011; Section 305 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11, 1321.33 (October 1, 2015)**

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

ODA is proposing to update the rule while conducting the mandatory 5-year review of the rule.

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:

Through rule 173-2-04 of the Administrative Code, ODA designates area agencies on aging. ODA proposes to amend the rule to update 3 entities' names, 1 entity's address, and 1 entity's contact information.

ODA is proposing to insert "AAA:" at the beginning of the rule title. In subsequent rule filings, ODA may insert "AAA" before every rule title in Chapter 173-2 of the Administrative Code.

ODA is also proposing to simplify the rule's introductory sentence.

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:

On October 26, 2015, ODA made a revised filing of the rule to upload a revised

public hearing notice. JCARR placed the rule on its November 9 meeting agenda, which would have been 1 day before ODA's public hearing. To ensure that ODA's public hearing occurs before JCARR's meeting, ODA rescheduled the meeting.

On October 26, 2015, ODA made a 2nd revised filing of the rule to correct the spelling of "currently-designated" in the rule's title.

On October 26, 2015, ODA made a 3rd revised filing of the rule to upload a revised public hearing notice.

On October 30, 2015, ODA made a 4th revised filing of the rule to upload a revised public hearing notice.

12. Five Year Review (FYR) Date: **10/5/2015**

(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

In H.B. No. 64 (131st G.A.), the Ohio General Assembly appropriated funds to ODA that include funding to the AAAs for their administrative duties. ODA is not proposing any changes to any rule in Chapter 173-2 of the Administrative Code that would cause AAAs to spend more administrative dollars or cause ODA to spend more administrative dollars than the General Assembly appropriated to ODA.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

3M40-490-612 Federal Independence Services (Title III).

GRF-490-411 Senior Community Services.

GRF-490-414 Alzheimer's Respite.

3220-490-618 Federal Aging Grants (variety of small federal grants).

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 filing creates no cost of compliance to any directly-affected person. ODA distributes funds that the General Assembly appropriates to ODA to the AAAs through the Intrastate Funding Formula. Thus, ODA reimburses the AAAs for the administrative duties that they perform as ODA's designees. Additionally, none of the proposals in this rule project would create a new cost of compliance that would require greater spending by the AAAs.

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**

Chapter 173-2 of the Administrative Code regulates ODA's designees, the AAAs which the Older Americans Act of 1965 requires ODA to designate and regulate. As ODA's designees, the AAAs monitor the work of businesses that provide services to the seniors who are enrolled in ODA's programs. The chapter does not regulate the businesses themselves, just ODA's designees.

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**

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

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