

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

Agency Name

Division

Tom Simmons

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173-2-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Administrative hearings.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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: **173.011, 173.02**

5. Statute(s) the rule, as filed, amplifies or implements: **173.011**

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

ODA has reviewed rule 173-2-05 of the Administrative Code in accordance with Sub. H. B. No. 473 (121st G. A.) and section 119.032 of the Revised Code, which require a state agency to review each rule every five years to determine whether to continue without change, to amend, or to rescind a rule.

After this review was completed, ODA posted a draft of a proposed amended rule on the ODA web site for a public comment period in February, 2007.

After receiving no comments on this rule during that public comment period, ODA is now filing this 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 proposed amended rule describes the administrative hearing process associated with the de-designation of a AAA.

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:

Not Applicable.

12. 119.032 Rule Review Date: **4/26/2007**

(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 anticipates that this proposed new rule will have no impact upon the budget of ODA established by the Ohio General Assembly.

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

GRF-490-321 Operating Expenses

GRF-490-403 PASSPORT

GRF-490-411 Senior Community Services

3M3-490-611 Federal Aging Nutrition

3M4-490-612 Federal Independence Services

322-490-618 Federal Aging 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 there will be no cost of compliance to any directly affected persons or entities as a result of this proposed amended rule, except for an AAA that fails to follow its corrective plan or action or fails to remedy a deficiency within the time period stated in the corrective plan of action. Only such an agency may face a sanction of de-designation, which for an AAA that wishes to appeal this decision, may cost staff time and also the price of an attorney.

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**