

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

Agency Name

Division

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173-2-06

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Area plans.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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, 173.011, 173.02; Section 307(a)(1)(A) 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 (October 1, 2013 edition)**

5. Statute(s) the rule, as filed, amplifies or implements: **173.01, 173.011; Section 306 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, 1321.59 (October 1, 2013 edition)**

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

This rule filing is part of a larger rule project to give Chapter 173-2 of the Administrative Code a five-year rule review.

ODA is not proposing any policy changes as part of the review. ODA is amending the rules of this chapter to ask of its designees, the area agencies on aging (AAAs), any duties or expenditures that are not already required of the AAA through the Older Americans Act and federal rules.

All of the rule filings for the project involve more-comprehensive supplemental information than previous rule filings of the same chapter. (E.g., statutory authority, rule amplifies, prior effective dates)

Because ODA is amending more than 50% of most of the rules in the project, ODA is proposing to rescind those rules and to, simultaneously, adopt new rules of the same number to take their place. (§4.3.1 of LSC's Rule Drafting Manual)

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:

This proposed new rule reiterates the federal requirement for AAAs to develop area plans.

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

Compared to the rule that ODA is proposing to rescind, in the new rule, ODA is proposing to:

1. No longer require compliance with other laws, rules, policies, and agreements because that topic is unrelated to area plans. However, as rule 173-2-07 of the Administrative Code makes clear, AAs shall follow all laws, rules, policies, and agreements.
2. More closely follow the Act's language by requiring each entity that ODA designates as an AAA to develop an area plan--whether the entity is proposed for designation or an already-designated AAA. The Act requires all AAAs to develop and submit area plans, not just those that ODA has proposed to designate.

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 references the Older Americans Act of 1965, as amended in 2006, which is available to the general public free of charge on http://www.aoa.gov/AOARoot/AoA_Programs/OAA/oa_full.asp.

Additionally, ODA provides a full citation of the Act in proposed new rule 173-2-01 of the Administrative Code.

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:

ODA did not file the text of the Older Americans Act of 1965, as amended in 2006, electronically because ODA merely made a citation to the federal law and the federal law is generally available to persons who reasonably can be expected to be affected by the rule.

Additionally, ODA provides a full citation of the Act in proposed new rule 173-2-01 of the Administrative Code.

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. 119.032 Rule Review 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

In H.B. No. 59 (130th 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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