

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

Agency Name

Division

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**173-3-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Cost-sharing requirements.****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: **173.02**

5. Statute(s) the rule, as filed, amplifies or implements: **173.01, 173.02, 42 U.S.C.A. 3030c-2(b), Section 11.02 (Senior Community Services) of Am. Sub. H.B. 95 of the 125th G.A.**

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

This rule is being proposed for adoption in an effort to comply with the five-year rule review requirements outlined in section 119.032 of the Revised Code. This rule is a replacement for existing rule 173-3-01 which is scheduled for its five-year rule review on October 15, 2004. The rule, which was originally proposed for extensive non-substantive amendments, is instead being rescinded and adopted anew in order to comply with LSC rule-drafting requirements.

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 rule requires Area Agencies on Aging funded by the Department of Aging to adopt policies authorizing certain service recipients to share in the costs of the services they receive from the AAAs. While AAAs are required to adopt policies under this rule, AAAs are not permitted to require service recipients to pay for any part of the services they receive - payment must be voluntary, and may never be a condition to the receipt of services.

This proposed version of the rule differs from the existing version as follows:

1. The title has been amended slightly;
2. The rule has been re-organized, and its paragraphs have been renumbered;
3. The rule has been amended to prohibit an AAA or service provider from denying services to anyone who fails or refuses to participate in client cost-sharing, regardless of the source of the funding from the Department that is used to pay for the services (This prohibition once applied only to services funded with Older Americans Act funds);
4. The rule has been amended to require AAAs or providers to establish procedures for cost-sharing mechanisms for consumer-directed care programs;
5. The rule has been amended to eliminate the requirement that AAAs/providers use the fees they collect to provide services in the county from which the services were paid and to allow AAA care coordination programs to utilize the fees they receive to expand the funds pool from which the services were paid;
6. The rule has been amended to explicitly list the services to which the rule does not apply, to list one service to which the rule may apply, and to list examples of services to which the rule must apply;
7. The term "federal poverty guideline" has been amended to mirror the term as defined in the Federal Register the last time the federal guidelines were amended; and
8. The rule has been amended to delete the requirement that AAAs have cost-sharing policies in effect beginning the first day of the AAA program year after the the adoption 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:

*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:

This rule is being revised to delete extraneous language from the chart listing recommended client cost-sharing payments for people with various income levels (measured as a percentage of the federal poverty guidelines). The language being removed reads as follows: "{Enter Table Title Here}".

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

This proposed new rule is not expected to have any impact upon the Department of Aging's budget in the current biennium.

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

All expenditures incurred by the Department of Aging to implement this rule are paid for from the following line items: GRF 490-321 (Operating Expenses); GRF 490-411 (SCS Block Grant); 3M3 490-611 (Federal Aging Nutrition); and 3M3 490-612 (Federal Independence Services).

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:

Area Agencies on Aging (AAAs), and service providers to whom responsibility for compliance with this rule has been delegated, will necessarily incur costs to develop and administer policies governing the client cost-sharing payments. The costs incurred by these agencies will differ from one AAA/provider to the next, and from one year to the next, and cannot be estimated by the Department. It should be noted, however, that these costs are partially reimbursed, if not fully subsidized, by the Department of Aging through the administrative grant funds the AAAs receive from/through the Department, or by the administrative costs the service providers include within the costs they charge the AAAs for the services the providers offer to senior.

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**