

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-3-06.6

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act: transportation.

Agency Name: Department of Aging

Division:

Address: 30 E Broad St. 22nd Floor Columbus OH 43215-3414

Contact: Tom Simmons **Phone:** 614-202-7971

Email: tsimmons@age.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 1/4/2024
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, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.9
5. What statute(s) does the rule implement or amplify? 173.39, 173.392, 4766.14, 4766.15; 42 U.S.C. 3025, 3030d, 3032c, 3032e; 45 C.F.R. 1321.9, 1321.73
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule exists to establish requirements to include in, or exclude from, AAA -provider agreements (i.e., contracts) for transportation that are paid, in whole or in part, with Older Americans Act funds.

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

This rule establishes requirements to include in, or exclude from, AAA -provider agreements (i.e., contracts) for transportation that are paid, in whole or in part, with Older Americans Act funds.

ODA proposes to amend this rule to achieve the following:

1. Deem in paragraph (B)(2)(c)(i) of this rule that a licensed ambulance complies with paragraphs (B)(2)(a) and (B)(2)(b) of this rule. [This is in response to a comment received during the public-comment period and is not reflected on the BIA.]
2. Update the URL in paragraphs (B)(3)(a)(i) and (B)(3)(c) of this rule. [This is in response to a comment received during the public-comment period and is not reflected on the BIA.]
3. Delete the words in paragraph (B)(3)(d) of each rule that say that ODA deems only certified professionals to meet the qualifications in each rule for drivers.
4. Correctly state in paragraph (B)(3)(d) of each rule that ODA deems a list of professionals to meet the qualifications in each rule for drivers—some of whom have certifications.
5. Clarify that, in paragraph (B)(3)(d)(ii) of each rule, ODA deems the following to meet the qualifications in each rule for drivers: (A) an EMT or first responder; or (B) A candidate to be an EMT or first responder who has not yet obtained board certification for either profession.
6. Make additional non-substantive improvements to each rule.

9. Does the rule incorporate material by reference? No

10. 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

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

ODA refiled this rule to achieve the following:

1. Revise the statutory authority information that appears after this rule's text to indicate that 42 U.S.C. 3025 and 45 C.F.R. 1321.9 (as it will take effect on March 15, 2024) authorize ODA to adopt this rule.
2. Revise the "rule amplifies" information that appears after this rule's text to indicate that this rule amplifies 42 U.S.C. 3025, 3030d, 3032c, 3032e and 45 C.F.R. 1321.9, 1321.73 (as those sections will take effect on March 15, 2024).

ODA did not revise the text of the rule itself as part of this filing.

II. Fiscal Analysis

- 12. 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

Amending this rule will not impact the biennial budget that the Ohio General Assembly established for ODA in House Bill 33 (135th G.A.).

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

This rule requires compliance with the requirements for every AAA-provider agreement in rule 173-3-06 of the Administrative Code. This rule also requires compliance with standards for the following transportation-specific topics: (1) availability, (2) the degree to which drivers help consumers/individuals to transfer between the vehicle and the pick-up location or drop-off location, (3) vehicle requirements, and (4) driver qualifications. For more information, please review ODA's responses to questions #15, #16, and #17 of the BIA.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. 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

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? Yes

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- 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
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule requires compliance with the requirements for every AAA-provider agreement in rule 173-3-06 of the Administrative Code. This rule also requires compliance with standards for the following transportation-specific topics: (1) availability, (2) the degree to which drivers help consumers/individuals to transfer between the vehicle and the pick-up location or drop-off location, (3) vehicle requirements, and (4) driver qualifications. For more information, please review ODA's responses to questions #15, #16, and #17 of the BIA.

- 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

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. 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 to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable