

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-3-06

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act: requirements to include in every AAA-provider agreement.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/14/2022
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 9 - 134 - McColley, Roegner
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. 1321.11
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.392; 42 U.S.C. 3030d; 45 C.F.R. Part 75, 1321.11, 1321.53, 1321.65, 1321.67
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 comply with R.C. §173.392 and 45 C.F.R. 1321.11. The primary purpose of this filing is to reduce regulatory restrictions.

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

This rule lists the requirements to include in every agreement. ODA proposes to amend this rule to achieve the following:

1. Delete unnecessary regulatory restrictions from this rule.
2. Indicate that AAA-provider agreements may be subject to executive orders with jurisdiction over the agreements or any services procured through the agreements.
3. Replace occurrences of In the agreement, the AAA shall... with The agreement shall...
4. Indicate that renewable and multi-year agreements are subject to rule 173-3-05 of the Administrative Code, since ODA proposes to merge rule 173-3-05.1 of the Administrative Code into rule 173-3-05 of the Administrative Code.
5. Add the following as examples of supporting documentation for payment of services provided: activity plans (if required), assessments (if required), permits (if required), evaluations if required), and mandatory reporting items to verify an episode of service.
6. Add performance reviews (if required) as a type of employee record to retain.

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 made a revised filing of this rule to simplify paragraph (B)(9)(b) of the rule b replacing "A requirement to retain any record relating to costs, services provided,

supporting documentation for payment of services provided,...and all deliverables" with "A requirement to retain any record relating to services provided..."

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

Not Applicable

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

Please review the BIA for details.

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? Yes

Please review the BIA for details.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

Please review the BIA for details.

- 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?** Yes

- A. **How many new regulatory restrictions do you propose adding to this rule?** 0
- B. **How many existing regulatory restrictions do you propose removing from this rule?** 11

(A) An AAA SHALL comply with the following federal requirements....

(B) Every agreement...SHALL comply with the following:

(B)(2)(a) The agreement SHALL comply with any rule....

(B)(2)(b) The agreement SHALL comply with any additional state law....

(B)(4)(c) If..., the provider SHALL store their physical records in a designated, locked storage space.

(B)(5)(a) When..., the provider SHALL review databases and check criminal records according to section 173.38 of the Revised Code and Chapter 173-9 of the Administrative Code,....

(B)(5)(a) If..., the AAA SHALL review databases and check criminal records of the provider according to section 173.381 of the Revised Code and Chapter 173-9 of the Administrative Code.

(B)(8) If..., the agreement SHALL comply with rule 173-3-05.1 of the Administrative Code.

(B)(10)(a) In the agreement, the AAA shall explain how it SHALL pay the provider,....

(B)(10)(b)(i) The provider SHALL comply with rule 173-3-07 of the Administrative Code.

(B)(10)(b)(ii) The provider SHALL return any Older Americans Act funds payments for its services,....

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

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

Not Applicable