

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-3-07

**Rule Type:** Amendment

**Rule Title/Tagline:** Older Americans Act: consumer contributions.

**Agency Name:** Department of Aging

**Division:**

**Address:** 246 N. High St. 1st Floor Columbus OH 43215-2046

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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?** 8/26/2022
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.3030c-2; 45 C.F.R. 75.403, 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?**

ODA adopted this rule to establish (1) the requirements regarding voluntary contributions under 42 U.S.C. 3030c-2(b) and (2) Ohio's option to implement cost sharing under 42 U.S.C. 3030c-2(a).

ODA now proposes to amend this rule to reduce unnecessary use of regulatory restrictions.

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

This rule implements the requirements regarding voluntary contributions under 42 U.S.C. 3030c-2(b) and establishes Ohio's option to implement cost sharing under 42 U.S.C. 3030c-2(a). Those requirements include a requirement for states opting to require cost sharing to establish a sliding-fee scale, which ODA establishes in this rule.

ODA does not propose to create any new adverse impacts for providers in this rule.

ODA proposes to remove several unnecessary regulatory restrictions from this rule, primarily by eliminating duplicate uses of regulatory restrictions such as (1) in cross-references to federal mandates [if the restriction is in federal law, ODA's rule does not need an additional restriction], (2) in requirements that use more than one regulatory restriction ["The policy shall include the following, which shallâ | "], and (3) in lists that use regulatory restrictions for the entire list and also each paragraph in the list.

ODA also proposes to make non-substantive improvements to the terminology used in this 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.**

*Not Applicable*

## **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

Adopting the proposed amendments to this rule will not impact the biennial budget that the General Assembly established for ODA in H.B. 110 (134th G.A.).

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

This rule requires providers to allow consumers to contribute towards the provision of services paid, in whole or in part, with Older Americans Act funds and to safeguard those contributions. If an AAA delegates its responsibility to administer cost sharing to a provider through an AAA-provider agreement, the provider would also be responsible for administering cost sharing.

As previously stated, ODA does not propose to create any new adverse impacts for providers in this rule.

- 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**

The adverse impact of this rule is a requirement for providers to allow consumers to contribute towards the provision of services paid, in whole or in part, with Older Americans Act funds and to safeguard those contributions. If an AAA delegates its responsibility to administer cost sharing to a provider through an AAA-provider agreement, the provider would also be responsible for administering cost sharing. Please review the BIA for more information.

- 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**

This rule may increase the revenue of providers.

**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? 19**

(B)(1) Each provider SHALL allow consumers to contribute....

(B)(1) ...and SHALL encourage any consumer to contribute....

(B)(3) The provider SHALL protect....

(B)(4) The provider SHALL safeguard....

(B)(5) The provider SHALL use....

(C)(2)(a) The provider SHALL include....

(C)(2)(a) ...that the AAA SHALL suggest that a consumer pay

(C)(2)(a) Under no circumstance SHALL an AAA permit...

(C)(2)(a) ...or REQUIRE a consumer to participate....

(C)(2)(b) The provider SHALL include....

(C)(2)(c) The provider SHALL include....

(C)(2)(d) The provider SHALL include....

(C)(2)(e) The provider SHALL include....

(C)(2)(e) The written materials SHALL also state...

(C)(2)(e) ...that a provider SHALL NOT deny....

(C)(2)(f) The provider SHALL include....

(C)(2)(g) The provider SHALL include....

(C)(2)(h) The provider SHALL include....

(C)(2)(i) The provider SHALL include....

**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