

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

Agency Name

Division

Tom Simmons

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173-35-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Introduction and definitions.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

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, 173.35**

5. Statute(s) the rule, as filed, amplifies or implements: **173.35, 173.351**

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

ODA is proposing to amend this rule as part of a larger effort to use a more uniform terminology and style from one introduction-and-definitions rule to the next.

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 introduces the Residential State Supplement Program and defines terms used throughout Chapter 173-35 of the Administrative Code. In this proposed

amended rule filing, ODA is not proposing any programmatic changes. Instead, ODA is proposing to:

1. Replace the definition of "AAA," "Long-term care consultation program administrator," "personal care services," "PSA," and "skilled nursing care" with references to places in the Revised Code that define those terms.
2. Add a definition for "community living arrangement."
3. Replace the citation concerning "long-term care consultation program" from "173.42" to "173.351."
4. Place the definition of "provider" in the singular.
5. Replace "pursuant to" with "under."
6. Replace "As used in Chapter 173-35 of the Administrative Code:" with "Definitions for this chapter:"
7. Replace "The rules of chapter 173-35 of the Administrative Code govern" with "This chapter governs."
8. Add the word "Introduction" to the beginning of paragraph (A) of the rule.
9. Delete "as defined in this rule" from the definition of "facility" because ODA is also defining that term in this short rule. The words are unnecessary.
10. Make additional small changes.

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:

Not Applicable.

12. 119.032 Rule Review Date: **2/18/2009**

(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

ODA does not estimate that the adoption of this proposed amended rule would have any impact upon the biennial budget that the General Assembly established for ODA.

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

GRF-490-412 Residential State Supplement.

4J4-490-610 PASSPORT/Residential State Supplement.

3C4-490-607 PASSPORT.

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:

Because this rule merely introduces the chapter and defines terms, ODA does not estimate that there is any cost of compliance to any directly-affected person associated with the adoption of this proposed amended rule.

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**