

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

Agency Name

Division

Tom Simmons

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173-35-02

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Eligibility criteria.**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? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Amstutz**

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, Section 1616(b)(2) of the Social Security Act**

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

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

In accordance with H.B. No. 153 (129th G.A.), ODA is proposing to rescind Chapters 173-35 and 173-36 of the Administrative Code, because the legislation transfers the administration and regulation authority for the Residential State Supplement (RSS) Program and the related Adult Foster Home Program from the ODA to the Ohio Department of Mental Health (ODMH).

As written at the time of this filing, H.B. No. 153 no longer funds ODA's

administration of the programs after June 30, 2011. Because the rule-filing process established under Section 119.03 of the Revised Code does not make it possible to rescind rules in fewer than 76 days (without an Executive Order), ODA is proceeding with filing the rescission of these rules on April 14, 2011.

If the General Assembly amends H.B. No. 153 so that ODA's administration of the programs occurs on a date later than April 14, 2011, ODA may set the effective date for the amended date without any need to refile these rules.

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 presents the eligibility criteria for the Residential State Supplement (RSS) Program.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

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: **4/14/2011**

(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 estimates that the proposed rescission of this rule will have no impact upon the biennial budget that the Ohio General Assembly establishes for ODA through H.B. No. 153 (129th), because in that budget, the General Assembly removes ODA's funding for the Residential State Supplement (RSS) Program. The same legislation transfers the program to ODMH.

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

Under H.B. No. 1 (128th G.A.), these are the line items through which the Ohio General Assembly appropriated funds through ODA for the Residential State Supplement (RSS) Program and the related Adult Foster Home Program:

GRF-490-412 Residential State Supplement.

4J40-490-610 PASSPORT/Residential State Supplement.

3C40-490-623 Long-Term Care Budget.

Under H.B. No. 153 (129th G.A), ODA no longer has any appropriation for the Residential State Supplement (RSS) Program nor the related Adult Foster Home Program.

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:

In accordance with H.B. No. 153 (129th G.A.), ODA is proposing to rescind Chapters 173-35 and 173-36 of the Administrative Code, because the legislation transfers the administration and regulation authority for the Residential State Supplement (RSS) Program and the related Adult Foster Home Program from the ODA to ODMH. ODA anticipates that the transition will be seamless for consumers and providers. As such, ODA estimates that the rescission of these rules will not create any cost of compliance for any directly-affected person.

For estimates on any possible costs of compliance created by the transfer of this program, please refer to the Legislative Service Commission's fiscal analysis for H.B. No. 153 and to ODMH's rule summaries and fiscal analyses for the rules ODMH proposes to replace the ones ODA is rescinding.

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**