

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

Agency Name

Division

**Tom Simmons**

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**173-35-03**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Enrollment.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB119**General Assembly: **127**Sponsor: **Dolan**

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:

This new rule is being proposed as part of a five-year rule review performed pursuant to section 119.032 of the Revised Code and because most of the rules of Chapter 173-35 of the Administrative Code are undergoing change as a result of language in Am. Sub. H. B. No. 119 (127th G. A.). This new rule is being proposed to replace the waiting list language and the enrollment language in rules 173-35-03 and 173-35-05 of the Administrative Code, which are being proposed for rescission.

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:

The proposed new rule outlines the process for enrolling an individual into the RSS program, including the process for placing a person on and removing a person from the waiting list to enroll into the 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:

*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:

On October 16, 2007, this rule proposed for rescission was revised-filed, but the rule was not revised. Instead, the content of the RSFA was made more complete.

On November 16, 2007, ODA revised this rule by making the following changes:

In paragraph (A), the words "to apply" were replaced by "enroll in." At the end of the first line of the paragraph, the semicolon and comma were deleted. The words "two or more members of" were replaced by "an individual and one or more members of the individual's."

In paragraph (B), "pursuant to paragraph (A) of this rule" was deleted.

In paragraph (B)(2), the word "each" was replaced by "the."

In paragraph (B)(2)(a), the words "and date of request for consideration for enrollment in the RSS program" was deleted because it repeated paragraph (B)(1) of the same rule. Additionally, "and" was added before the word "social."

In paragraph (B)(4), the following phrase was deleted as it occurred after the word "list": "and complete form JFS 07120 ('Residential State Supplement') on behalf of the individual and submit it to a CDJFS on behalf of the individual in accordance with Chapter 5101:1-17 of the Administrative Code."

In paragraph (C)(1), the word "occurs" was replaced by the words "shall only occur after."

Paragraph (C)(2) was reworded and formed into paragraph (C)(2) and (C)(3). The order of how one is to be removed from the waiting list was adjusted, as noted in those paragraphs.

The words "Prior to enrollment," were inserted at the beginning of paragraph (D) and the words "once it has selected an individual from the waiting list" were deleted from the end of that paragraph.

The language of paragraph (D)(1) was improved without changing the meaning of the paragraph.

In paragraph (D)(2) of this proposed new rule, "Assess" was replaced by "Determine."

In paragraph (D)(3), these words were added to the end of the paragraph: ", and verify whether the CDJFS has determined if the individual meets the medicaid financial eligibility criteria."

Paragraphs (D)(4) and (D)(5) were combined, with the following results: the words "a facility" was replaced by the words "an approved living arrangement that is capable of meeting that is." Also, the words ", in accordance with rule 173-35-05.1 of the Administrative Code" was inserted after "needs." Additionally, the words "placement in" were replaced by the words "admission to."

In paragraphs (E)(1) and (E)(2), "less" was replaced by "later" and "assessment" was replaced by "determination."

This RSFA was updated.

## 12. 119.032 Rule Review Date:

(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 anticipates that the adoption of this proposed new rule will have no impact upon the biennial budget established for ODA by the Ohio General Assembly.

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:

ODA does not estimate that there will be any cost of compliance to any directly affected persons associated with the adoption of this proposed new 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**

