

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

Agency Name

Division

Tom Simmons

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173-39-01

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? **Yes**

Bill Number: **HB1**General Assembly: **128**Sponsor: **Sykes**

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, 173.391, 5111.89**

5. Statute(s) the rule, as filed, amplifies or implements: **173.39, 173.391, 173.403, 173.431, 5111.89**

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

Am. Sub. H. B. No. 1 (128th G. A.) adopted section 173.431 of the Revised Code on October 16, 2009. That section states that if the Centers for Medicare and Medicaid Services (CMS) authorizes an ODA-administered Medicaid waiver to allow the PASSPORT program to offer an enhanced community living service to eligible consumers in approved facilities. Therefore, this proposed new rule establishes the regulations for providing that service, so that, if CMS approves the Medicaid waiver to allow the PASSPORT program to offer the service, ODA will

have a rule in place to ensure that the service is delivered properly.

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 Chapter 173-39 of the Administrative Code and defines terms used in that chapter.

ODA is proposing to amend this rule to comply with section 173.431, as enacted by Am. Sub. H. B. No. 1 (128th G. A.).

Specifically, ODA is proposing to amend this rule to:

1. Replace "173-39-02.19" in paragraph (B)(9) of the rule with "173-39-02.20."
2. Clarify in paragraph (B)(11) of the rule that a consumer's signature includes signatures other than handwritten signatures. (This definition corresponds to the use of the term in proposed new rule 173-39-02.20 of the Administrative Code.)
3. Replace "or 173-39-02.19" in paragraph (B)(25)(a) of the rule with "173-39-02.19, or 173-39-02.20."
4. Add "5111.89" under "Statutory Authority:"
5. Add "173.402, 173.403, 173.431, 5111.89" under "Rule Amplifies:"

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: **6/15/2010**

(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 anticipate that the adoption of this proposed amended rule will have any impact upon the biennial budget established for ODA by the Ohio General Assembly, because the rule merely introduces the chapter and defines terms used in the chapter.

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

GRF-490-423 Long-Term Care Budget - State.

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

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

4U90-490-602 PASSPORT Fund.

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 estimates that there is no cost of compliance to any directly-affected person as a result of the adoption of this proposed amended rule, especially since it merely defines terms.

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**