

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-01

Rule Type: Amendment

Rule Title/Tagline: ODA provider certification: introduction and definitions.

Agency Name: Department of Aging

Division:

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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?** 1/18/2022
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 6 - 134 - 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, 173.391, 173.52, 173.522, 173.54, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.52, 173.522, 173.54, 173.543; 42 C.F.R. 441.352
6. **What are the reasons for proposing the rule?**

Each rule in Chapter 173-39 primarily exists to comply with section 173.391 of the Revised Code, which requires ODA to adopt rules to establish the requirements and standards for certified providers.

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

This rule introduces Chapter 173-39 of the Administrative Code and defines terms used throughout the chapter.

ODA proposes to amend this rule to achieve the following:

1. Revise paragraph (A)(1) of the rule to reflect amendments made to R.C. §§ 173.39 and 173.391 by Am. Sub. H.B. 110 (134th G.A.).
2. Remove the regulatory restriction from the definition of "activity plan."
3. Define "competency evaluation" rather than do so in rule 173-39-02.11 of the Administrative Code.
4. Remove the regulatory restrictions from the definition of "complete application."
5. Delete the definitions of "consumer," "governing body or managing employee," and "individual's signature" because these terms either do not occur in the chapter or will not occur in the chapter after ODA adopts proposed amendments to the chapter.
6. Implement Senate Bills 3, 5, 6, and 7 and House Bill 252 (134th G.A.) by (1) defining "licensed healthcare professional" and (2) amending the definitions of "registered nurse" and "licensed practical nurse."
7. Revise the definition of "unique identifier" to include the unique identifier of a driver under rule 173-39-02.13 of the Administrative Code, the unique identifier of a participant-directed provider under rules 173-39-02.4 and 173 39 02.11 of the Administrative Code, a homemaker aide under rule 173-39-02.8 of the Administrative Code, and the unique identifier of a PCA under rule 173-39-02.20 of the Administrative Code.
8. Eliminate the unnecessary use of words that imply requirements for paperwork (e.g., "written") if an electronic option is permissible.

8. Does the rule incorporate material by reference? No

9. 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

10. **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

11. **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 affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

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

Adopting the proposed amendments to this rule will not create a cost of compliance to any directly-affected person or organization.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **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

16. **Was this rule filed with the Common Sense Initiative Office? Yes**

17. **Does this rule have an adverse impact on business? No**

- 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? No
- 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

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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? 0
 - B. How many existing regulatory restrictions do you propose removing? 2
 - 1. (B) ODA proposes to remove "dates and times the provider SHALL" from the definition of "activity plan."
 - 2. (B) ODA proposes to remove "An application to become an ODA--certified assisted living provider SHALL NOT be approved until an RCF license is issued by ODH" from the definition of "complete application."