

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

Agency Name

Division

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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? **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, 173.391**

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

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 chapter on provider certification and defines terms used throughout Chapter 173-39 of the Administrative Code. ODA is not proposing any

programmatic changes in this rule filing. Instead, ODA is proposing this amended rule to:

1. List in the introduction the three programs that are subject to the chapter (Assisted Living Program, Choices Program, and PASSPORT) instead of using the term "community-based long-term care services under programs administered by the Ohio department of aging." This is because there are other programs that offer community-based long-term care services that are not subject to this chapter, such as the Alzheimer's Respite Program, National Family Caregiver Program, Older Americans Act Program, PACE, RSS,....
2. List in the introduction the topics of disciplinary actions and appeal hearings because they, too, are covered in the chapter.
3. Combine the definitions of "long-term care agency provider," "assisted living provider," "consumer-directed individual provider," and "long-term care non-agency provider" under "provider"; and provide, in the definitions for each of the categories of providers, the rule numbers of the service-specification rules that such a provider may provide.
4. Replace the definitions of "assistance with self-administration of medication," "LPN," "NF," and "RN," with references to definitions of the same terms in the Revised Code.
5. Reword the definition for "assisted living care plan" so that it appears in the active voice.
6. Delete definitions of terms not used in the rules or that could be defined within the one rule that uses the term or that have obvious meaning. (e.g., "certified health care professional," "COALA program," "emergency contact," "mailing date," "payroll agent," "region," and "sub-region.")
7. Replace in the definition of "certification" the reference to "rules 173-39-02.1 to 173-39-02.16" with "rules 173-39-02.1 to 173-39-02.18" because ODA has adopted rules 173-39-02.17 and 173-39-02.18 since it last adopted this proposed amended rule.
8. Reword the definition of "consumer."
9. Include in the definition of "consumer signature" that an electronic signature of a consumer is a consumer's signature and provide examples of means to record an electronic signature. This is similar to the newly adopted definition for "consumer signature" in rule 173-3-01 of the administrative Code. (This proposed amendment was removed in the revision on March 25, 2009.)
10. Reword the definition of "DRI."
11. Replace the definition of "ADL" and "IADL" with references to definitions in

ODJFS' rules.

12. Reword the definition of "ODA's designee."

13. Add a new definition for "PAA."

14. Reword the definition for "service plan."

15. 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:

On March 25, 2009, ODA revised this proposed amended rule to:

1. Replace "above" with "minimum" in paragraph (A) of the rule.

2. Remove all amendments to the definition of "consumer signature."

3. Remove one of the two spaces between the two sentences in the definition of "Dietary reference intakes,"

4. Replace "categories" in the definition of "provider" with "types."
5. Revise this RSFA.

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-490-403 PASSPORT.

GRF-490-422 Assisted Living Program.

3C4-490-607 PASSPORT.

3C4-490-622 Assisted Living-Federal.

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

4U9-490-602 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:

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**