

**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

**ODA provider certification: introduction and definitions.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **173.01, 173.02, 173.391, 173.52, 173.522, 173.54, 173.543.**
5. Statute(s) the rule, as filed, amplifies or implements: **173.39, 173.391, 173.52, 173.522, 173.54, 173.543.**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
 

ODA proposes to amend the rule to align a definition with a definition adopted by the Ohio Dept. of Medicaid and to define a term used throughout the Chapter.
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:

OAC173-39-01 introduces OAC Chapter 173-39 and defines terms used in the chapter.

ODA proposes to amend the definition of #individual# so the term has the same meaning as

"individual" in rule OAC5160-31-02.

ODA also proposes to define "ODA-certified provider," which is a term used throughout the Chapter.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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. If applicable, indicate each specific paragraph of the rule that has been modified:

On November 30, 2016, ODA made a revised filing of the rule to attach the appendix on terminology updates to the BIA.

12. Five Year Review (FYR) Date: **11/30/2016**

(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 its proposed amendments to this rule would not impact the biennial budget the Ohio General Assembly established for ODA because the General Assembly did not give ODA authority to exceed its appropriations.

These definitions apply to provider certification. Since H.B.153 (129th G.A.), funding for certifying providers has been paid by a budget line item of the Ohio Dept. of Medicaid (ODM) which is used to cover expenses for the PASSPORT and Assisted Living Programs. Therefore, ODA also estimates its proposed amendments to the rule would not impact the biennial budget the General Assembly established ODM.

Lastly, the rule merely introduces the chapter and defines terms used throughout the chapter. This has no impact upon ODA's or ODM's budget.

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

GRF-651-525 Medicaid/Health Care Services.

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 the adoption of the proposed amendments would post no cost of compliance to any directly-affected person. The amendments are not substantive

and would not change a provider's practice or change a provider's costs. Additionally, the rule merely introduces the chapter and defines terms used in the chapter. It contains no requirements for providers.

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

Although the rule does not require certification, it introduces and defines terms for OAC Chapter 173-39, which is the chapter on certification requirements for providers of goods and services to individuals enrolled in the PASSPORT or Assisted Living Programs.

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**

The rule merely introduces the chapter and defines terms used throughout the chapter.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

The rule merely introduces the chapter and defines terms used throughout the chapter.