

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-02.13

Rule Type: Amendment

Rule Title/Tagline: ODA provider certification: non-emergency medical transportation.

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? No
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
5. What statute(s) does the rule implement or amplify? 173.39, 173.391, 173.52, 173.522; 42 CFR 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 establishes the requirements to become, and to remain, an ODA-certified provider of non-emergency medical transportation.

ODA proposes to amend this rule to replace the requirement of the provider to collect the driver's signature to verify that each trip was provided with a requirement to collect a unique identifier of the driver to do the same. ODA defines "unique identifier" in rule 173-39-01 of the Administrative Code. ODA also proposes to delete the last sentence of paragraph (*b)(4)(a) of this rule because it unnecessarily repeats part of the definition of "unique identifier" in rule 173-39-01 of the Administrative Code.

ODA also proposes to make non-substantive improvements to this rule.

- 8. Does the rule incorporate material by reference? Yes**
- 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.**

This rule references forms ODA0004 and ODA0008, which the general public may readily access on ODA's website (<https://aging.ohio.gov/wps/portal/gov/aging/agencies-and-service-providers/rules-and-forms/forms>). This rule also references the websites of the Ohio Dept. of Health and the EMFTS Board, which are readily available to the general public.

- 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? Yes**

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

Providers voluntarily apply for ODA certification. Certification is not required to provide a service unless a provider wants a government program that requires certification (e.g., the PASSPORT Program) to pay the provider. Please review the BIA for additional information.

- 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? Yes**

This rule requires ODA-certified providers to inspect vehicles, hire qualified drivers, and retain records to verify that it transported individuals.

- 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? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable