

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

Agency Name

Division

Tom Simmons

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173-39-02.19

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Kosher option.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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**

5. Statute(s) the rule, as filed, amplifies or implements: **173.39, 173.391, 173.402**

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

In response to recently-enacted Am. Sub. H. B. No. 1, ODA is proposing this new rule to implement a higher reimbursement rate for a kosher meal.

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 proposed new rule says:

1. Any consumer who is authorized by his or her case manager to receive a home-delivered meal service may request the option to request that his or her meal be kosher.
2. A provider who provides a home-delivered kosher meal shall comply with rule 173-39-02.14 of the Administrative Code as much as possible while complying with kosher practices for meal preparation and dietary restrictions.
3. A provider who provides a home-delivered kosher meal shall provide evidence that the meal was certified as kosher by a recognized kosher certification or a kosher establishment under Orthodox Rabbinic Supervision.

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:

(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

The program currently reimburses providers who provide home-delivered kosher meals at the same rate it reimburses any regular home-delivered meal. Once section 173.402 takes effect on October 15, 2009, ODA will begin paying for home-delivered kosher meal at the more expensive rate of the home-delivered meal with a therapeutic diet (i.e., a diet authorized by a physician or licensed dietician). Because the General Assembly enacted section 173.402 of the Revised Code as part of the biennial budget bill, it mandated paying higher cost of home-delivered kosher meal although it did not increase expenditures for the PASSPORT program's home-delivered meals. Once section 173.402 of the Revised Code takes effect, in order for ODA to remain within the budget that the General Assembly established for ODA, it will, consequently, provide fewer regular meals to offset the new, increased reimbursement rate for kosher meals.

ODA estimates that the increase in expenditures on home-delivered kosher meals will be \$704,284 for FY2010 and \$732,455 for FY2011. We do not anticipate that this change will increase expenditures for the program over the biennium; instead, ODA will be forced to serve fewer consumers over the biennium.

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

GRF-490-403 PASSPORT.

3C4-490-607 PASSPORT.

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:

ODA estimates that there will be no cost of compliance to any directly-affected consumer as a result of the proposed adoption of this new rule because a consumer is not required to pay for a home-delivered kosher meal and, thus, has no cost of compliance.

ODA estimates that there will be no cost of compliance to any directly-affected provider as a result of the proposed adoption of this new rule if the provider already provides home-delivered kosher meal. On the contrary, rule actually indicates that the PASSPORT program will make a greater reimbursement to such a provider for each meal with a kosher diet that it provides.

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**