

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

Agency Name

Division

Tom Simmons

Contact

**50 West Broad Street 9th floor Columbus OH
43215-3363**

Agency Mailing Address (Plus Zip)

614-728-2548

Phone

Fax

173-39-02.6

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Emergency response systems.**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: **173.391, 173.40, section 1915 of the "Social Security Act, " 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended**

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

The Department of Aging is proposing a rescission of current rule 173-39-02.6 of the Administrative Code and proposing that it be replaced by this new rule. After the current rule became effective on March 31, 2006, the Department received feedback indicating that the rule needed to be updated. As a result, the Department drafted a proposed new rule to replace the current rule. On September 25, 2006, the Department held a meeting for any provider, PASSPORT Administrative Agency (PAA), or other interested party to discuss a draft of the proposed new rule. After

considering that feedback, on October 12, 2006, another draft of the proposed new rule was posted on the rules clearance web page of the Department (<http://www.goldenbuckeye.com/rules/draft.html>) for two weeks to allow for further feedback. After considering that input, the draft of the proposed new rule was further revised, then posted for a second two-week comment period on November 8, 2006. After considering that input, the draft of the proposed new rule was further revised, then filed with JCARR.

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:

The rule that is being proposed for rescission outlines the requirements for providers of emergency response system (ERS) service to individuals in the PASSPORT Medicaid waiver or the Choices Medicaid waiver programs.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously

filed version of this rule; if none, please state so:

So that the rule to be rescinded would have a hearing before JCARR on the same date that the proposed rule would have a hearing before JCARR, the rule was filed "to be refiled," then filed again at a later time that would synchronize these two rules.

12. 119.032 Rule Review Date: **11/30/2006**

(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 Department of Aging does not anticipate any increase nor decrease in expenditures appropriated to the Department in the current biennium.

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

GRF-490-403, 3C4-490-607, 4J4-490-610, 4U9-490-602

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:

The Department of Aging anticipates that there will be no new costs to directly affected persons associated with the rescission of this 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**