

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-02.9

Rule Type: Rescission

Rule Title/Tagline: Minor home modification, maintenance, and repair services.

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?** 9/7/2017
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?** 173.522., 173.02, 173.01, 173.52, 173.391
5. **What statute(s) does the rule implement or amplify?** 173.391, 173.39, 173.522., 173.52, 173.431
6. **What are the reasons for proposing the rule?**

On August 31, 2017, ODA made an original filing of this rule as an amended rule.

On September 7, 2017, ODA withdrew the filing and replaced it with this filing to comply with the 50% guideline in LSC's Rule Drafting Manual. ODA is now proposing to simultaneously rescind this rule and adopt a new rule in its place as part of its 5-year review of the rule.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC173-39-02.9 regulates providers when they provide minor home modification, maintenance, or repair to individuals enrolled in the PASSPORT Program.

ODA conducted a 5-year review of the rule.

Please review the RSFA for the proposed new version of this rule for details on the differences between the rule being rescinded and the new rule.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

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. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

ODA estimates the proposed rescission of this rule would have no impact upon the biennial budget the Ohio General Assembly established for ODA, especially because ODA simultaneously plans to adopt a similar new rule to replace this rule.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

ODA estimates there is no cost of compliance directly associated with rescinding this rule to replace it with a new rule. For a detailed cost analysis, please review ODA's response to questions #14 and #15 on the BIA and the August 23, 2017 addendum to the BIA, which is attached to the BIA as filed with this rule package.

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**

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office? Yes**
16. **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? Yes**

If another law requires a professional to be licensed etc. before providing a home modification, maintenance, or repair, this rule requires the person to have the license before providing the home modification, maintenance, or repair requiring a license.
 - 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**

For detailed information, please review ODA's response to #14 on the BIA.