

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

Agency Name

Division

Tom Simmons

Contact

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173-39-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Conditions of participation.**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: **173.39, 173.391**

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

ODA is proposing to amend this rule primarily because ODA is proposing to rescind the rule regarding criminal records checks which is cited in this rule and replace it with proposed new rule 173-9-01 of the Administrative Code. Therefore, ODA wants to correct the citation.

ODA also wants to take this opportunity to update the name "criminal background check" to "criminal records check," to reference "173-39-02.1 to 173-39-02.17" to "173-39-02.1 to 173-39-02.18" to reflect the recent adoption of rule 173-39-02.18 of the Administrative Code, to remove extra spaces in the text in between words, to improve punctuation and conjunctions (e.g., "or"), to make "agencies" in paragraph

(C) of the rule singular, and to change "42 C.F.R. 421.300 through 306" to "42 C.F.R. 421.300 to 421.306" in paragraph (D)(11) of the rule.

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 rule implements the conditions of participation in ODA's Medicaid waiver programs required under section 173.391 of the Revised Code.

The changes include the following:

1. References to the "criminal background check" were changed to "criminal records check" and references to rule 173-41-01 of the Administrative Code were changed to rule 173-9-01 of the Administrative Code.
2. Throughout this proposed rule, ODA deleted extra spaces in the text in between words.
3. Throughout the rule, ODA improved the punctuation and conjunctions (e.g., "or").
4. In paragraph (C) of the rule, ODA made "agencies" singular.
5. In paragraph (D)(11) of the rule, ODA changed "42 C.F.R. 421.300 through 306" to "42 C.F.R. 421.300 to 421.306."
6. In multiple paragraphs, ODA updated the reference "173-39-02.1 to 173-39-02.17" to "173-39-02.1 to 173-39-02.18" to reflect the recent adoption of rule 173-39-02.18 of the Administrative Code.

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: **11/14/2008**

(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 that the proposed amendment of this rule will have no impact upon the biennial budget established for ODA by the Ohio General Assembly.

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

GRF-490-403 PASSPORT.

GRF-490-422 Assisted Living Waiver.

3C4-490-607 PASSPORT.

3C4-490-622 Assisted Living-Federal.

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 the proposed amendment of this rule will cause no cost of compliance to any directly affected person because the rule will be substantially similar after it is amended.

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**