

**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

**RESCISSION**

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:

**TRANSPARENCY AND EASE OF COMPREHENSION:** Because there is a long list of conditions in current rule 173-39-02 of the Administrative Code that an assisted living provider must meet in order to participate in the program, and because the requirements are not listed in an as-identical-as-possible manner to the rule's requirements for other types of providers, ODA is proposing to rescind rule 173-39-02 of the Administrative Code and to replace it with a new rule under the same number that: organizes the conditions for each type of provider, including assisted living providers, into topics (e.g., "service provision," "consumer safety," "monitoring," and reimbursement."); and presents the requirements for an assisted living provider in language that is as identical as possible to the requirements for an

agency provider or a non-agency provider.

PROGRAMMATIC CHANGES to PROMOTE THE HEALTH AND SAFETY of THE CONSUMER: ODA is proposing to make changes to the content of the rule, which are noted in the RSFA for the proposed new rule of the same number.

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 presents the conditions of participation for a provider under the Medicaid wavier programs that ODA administers.

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:

On June 29, 2009, ODA revise-filed the rule to update this RSFA.

On July 2, 2009, ODA revise-filed the rule to update this RSFA.

12. 119.032 Rule Review Date: **6/26/2009**

(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 does not estimate that the proposed rescission of this rule will have any 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 does not estimate that the proposed rescission of this rule will create any cost of compliance to any directly-affected person because ODA is simultaneously proposing to replace it with a reorganized rule of the same number and presents a more-detailed estimate of the cost of compliance on the RSFA for that 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**