

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-39-02

**Rule Type:** Rescission

**Rule Title/Tagline:** ODA provider certification: requirements for every provider.

**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?** 3/18/2019
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 49 - 132  
- Smith
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 173.01, 173.02, 173.391, 173.52, 173.522, 173.54, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.52, 173.522, 173.54, 173.543; 42 C.F.R. 441.352
6. **What are the reasons for proposing the rule?**

ODA proposes to rescind this rule and replace it with a substantially-similar rule of the same number as part of a 5-year review. Doing so will reduce the usage of "shall" in the rule from 127 times to 75 times.

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

This rule contains the requirements for every provider to become, or to remain, certified by ODA according to R.C. §173.391. Please review the BIA for details on differences between this rule and the proposed new rule.

8. **Does the rule incorporate material by reference? Yes**
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.**

The proposed new rule cites a federal regulations, which are available to the general public free of charge on <https://www.ecfr.gov/>.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

ODA made a revised filing to upload a memorandum of response to CSIO with a corrected date.

## **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 that the proposed rescission of this rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA in H.B. 95 (132nd G.A.), especially since ODA proposes to adopt a new, substantially-similar rule of the same number in its place.

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

For information on the cost of compliance, please review ODA's response to BIA questions #14 and #15.

- 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?** No

However, this rule lists the requirements for a provider to become, or remain, certified by ODA. For information, please review ODA's response to BIA questions #14 and #15.

- 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

(173-39-05 covers the topic of non-compliance with OAC Chapter 173-39.)

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

This rule requires notifying ODA of incidents, changes in contact information, etc. and retaining records for monitoring by ODA and other government agencies.