

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-03.2

Rule Type: New

Rule Title/Tagline: ODA provider certification: changes of ownership interest or organizational structure.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
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?** 173.01, 173.02, 173.391, 173.52, 173.522, 173.54, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.522, 173.54, 173.543; 42 C.F.R. 441.352, 173.39, 173.391, 173.52
6. **What are the reasons for proposing the rule?**

ODA proposes to adopt this new rule to address the impact of changing ownership interest (or organizational structure) upon a provider's certification.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This proposed new rule will regulate the process for ODA-certified providers when their ownership interest (or organizational structure) changes.

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 that the proposed adoption of this new rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA in H.B. 95 (132nd G.A.).

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

The proposed new rule will require a provider undergoing a change in ownership interest (or a change in organizational structure) to notify ODA of this change.

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 an already-certified provider has a change in ownership interest that requires a TIN to change, the proposed new rule will require the provider to apply for certification under the new ownership in order for the provider under new ownership to obtain certification.

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

The rule requires a provider undergoing a change in ownership interest (or a change in organizational structure) to notify ODA of this change.