

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-03.4

Rule Type: Amendment

Rule Title/Tagline: ODA provider certification: applying to be certified in additional regions or to certify additional business sites.

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?** 10/26/2020
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?** 121.07, 173.01, 173.02, 173.391, 173.52, 173.522
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.52, 173.522; 42 C.F.R. 441.352
6. **What are the reasons for proposing the rule?**

ODA proposes to amend this rule as part of a larger rule package of rules from Chapter 173-39 of the Administrative Code that implements amendments related to the COVID-19 state of emergency and other matters.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes the process for an ODA-certified provider to seek certification to provide the service that ODA certified them to provide in an additional region or business site.

On June 11, 2020, ODA adopted an emergency amendment to temporarily allow its designees to decide whether to conduct a visit or desk review of a provider's business site during pre-certification review. Through this rule package, ODA proposes to adopt the amendment on an ongoing basis.

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. 121.75, 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.**

ODA made a revised filing of this rule to replace "Wednesday" with "Monday" on the public hearing notice. In doing so, ODA did not revise the rule.

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

ODA's proposed amendment of this rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

ODA's proposed amendment of this rule will create no new cost of compliance to any person and/or organization directly affected by this rule. For more information, please review the business impact analysis.

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
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. 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
 - 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? Yes

ODA may deny an application.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule requires ODA-certified providers who want to certified to provide a service in an additional region (or site) to apply. For more information, please review the business impact analysis.
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 3

(B)(1) ODA's designee SHALL complete the on-site review and notify ODA of its recommendation within ninety days after receiving a complete application, unless the situation in paragraph (B)(2) or (B)(3) of this rule applies.

(B)(2) ODA's designee SHALL complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.

(B)(3) ODA's designee SHALL complete this review and notify ODA of its recommendation within ninety days after receiving a complete application.