

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-03

Rule Type: Amendment

Rule Title/Tagline: ODA provider certification: applying for certification.

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? 3/26/2024
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? SB 131 - 134
- Roegner, McColley
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, 173.54, 173.543, 4796.30
5. What statute(s) does the rule implement or amplify? 173.39, 173.391, 173.52, 173.522, 173.54, 173.543; 42 CFR 441.352
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule exists to establish the general application process to become an ODA-certified provider.

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

This rule establishes the general application process to become an ODA-certified provider. ODA proposes to amend this rule. ODA proposes to amend this rule to achieve the following:

1. Speed up the application process by requiring providers to provide supplemental (i.e., missing) information within 5 business days after the request for that information.
2. Allow applicants to withdraw their applications if withdrawn before ODA denies the application or sends the provider's application to ODA's designee for a pre-certification review.
3. Delete the option to deem providers certified by the Ohio Dept. of Developmental Disabilities or ODM as ODA-certified. ODA added this option for the COVID-19 public health emergency
4. Combine paragraphs (C)(1)(c) and (C)(1)(e) of this rule and remove the reference to providers of ADS and assisted living.
5. Clarify that paragraph (D) applies to only adult day service (ADS) providers and assisted living providers.
6. No longer require using form ODM10172.
7. Implement Senate Bill 131 (134th G.A.) by requiring ODA to certify a non-agency or participant-directed provider moving to Ohio from the uniformed services or another state according to RC Chapter 4796, which took effect on December 29, 2023.

9. Does the rule incorporate material by reference? No

10. 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

11. 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

12. 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

Amending this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in House Bill 33 (135th GA).

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

Please review ODA's responses to questions #15, #16, and #17 of the BIA for detailed information.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. 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

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

18. 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? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Please review ODA's responses to questions #15, #16, and #17 of the BIA for detailed information.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. 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 to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 3

1. (A)(1): To apply for certification, a provider SHALL complete an application in the provider management system....

2. (C)(1)(e): ODA's designee SHALL recommend denial of the application if the provider does not comply with all applicable requirements.

3. (D)(2) ODA SHALL notify the provider that action on the provider's application is deferred.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable