

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-03

Rule Type: New

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?** 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?** 173.39, 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?**

As part of a 5-year rule review, ODA proposes to adopt this new rule to replace a substantially-similar rule of the same number.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The proposed new rule will require providers wanting to be certified by ODA to apply for certification through ODA's online application process. The rule will establish the process for handling the application.

For more details, please review ODA's response to BIA question #1.

- 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 regulation (42 C.F.R. 441.301), which is 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.**

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 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.), especially since ODA proposes to adopt it to replace a substantially-similar rule of the same number.

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

If a provider wants to be certified by ODA, proposed new rule will require the provider to apply for certification through ODA's online application program. In doing so, the provider must submit information to ODA.

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 a provider wants to be certified by ODA, the proposed new rule will require a provider to apply for 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 online application process will require the provider to submit information to ODA.