

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-04

Rule Type: Rescission

Rule Title/Tagline: Provider structural compliance review.

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?** 4/12/2019
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?** 173.543; 42 C.F.R. 441.352, 173.39, 173.391, 173.52, 173.522, 173.54
6. **What are the reasons for proposing the rule?**

ODA proposes to rescind this rule and adopt a new rule in its place as part of its 5-year review.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule implements the requirements for reviewing the compliance of ODA-certified providers with Chapter 173-39 of the Administrative Code.

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 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?**

ODA estimates there is no cost of compliance for providers other than to allow ODA and its designees to regularly conduct structural compliance reviews and have access its records.

For more information, please review ODA's response to BIA question #14.

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

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 or its designee may impose disciplinary action (cf., 173-39-05) for non-compliance identified through any review.

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

If ODA or its designee finds a provider to be non-compliant, ODA may require the provider to provide evidence of compliance.