

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-39-05
Rule Type: Rescission
Rule Title/Tagline: Disciplinary actions.
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?** 11/28/2018
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?** 173.543, 173.54, 173.01, 173.522, 173.52, 173.391, 173.02
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.543; 42 C.F.R. 441.352, 173.54, 173.522, 173.52, 173.391
6. **What are the reasons for proposing the rule?**

R.C. Â§173.391 requires ODA to adopt rules for determining which type of disciplinary action ODA may impose against ODA-certified providers. To meet this requirement, ODA adopted 173-39-05. ODA proposes to rescind this rule and adopt a new rule in its place that more closely follows the requirements in R.C. Â§173.391.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule implements Â§173.391, which establishes ODA's authority and responsibility to impose disciplinary actions for non-compliant ODA-certified providers.

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.**

ODA uploaded a copy of the to-be-rescinded rule not containing any strikeouts.

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 that there is no cost of compliance to a compliant provider. For more information on the cost of compliance for a non-compliant provider, please review the BIA.

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

The rule outlines ODA's and its designees' authority to impose disciplinary actions upon non-compliant providers. For more information, please review ODA's responses to BIA questions #14 and #15.

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

The rule requires evidence of compliance from non-compliant providers working on a plan of correction to remedy their non-compliance. For more information, please review ODA's responses to BIA questions #14 and #15.