

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-4-05

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act nutrition program: nutrition projects.

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?** 8/31/2023
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, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11, 1321.17
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.392; 2 U.S.C. 3025, 3030c-2, 3030e, 3030f, 3030g-21; 45 C.F.R. 1321.11, 1321.17, 1321.67
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 comply with R.C. §173.392 and 45 C.F.R. 1321.11.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Rule 173-4-05 of the Administrative Code establishes requirements for AAA-provider agreements on nutrition projects. ODA proposes to amend this rule to achieve the following:

1. Replace "consumer" with "consumers" in paragraph (A)(4)(c) of this rule.
2. Delete "medical food or food for special dietary use" from paragraph (A)(10) of this rule.
3. Indicate in paragraph (A)(10) of this rule that a diet order is not required for a therapeutic diet if the consumer chooses the therapeutic diet out of preference. This will correspond with the requirements in paragraph (A)(9) of this rule and 42 U.S.C. 3030g-21 to adjust meals to meet any special dietary needs of consumers, including meals adjusted for cultural considerations, and preferences, and medically-tailored meals.
4. Prohibit a provider from paying for any supplement with Older Americans Act funds, unless the supplement is part of (vs. separate from) a meal with a therapeutic diet.

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 impact the biennial budget that the Ohio General Assembly established for ODA in House Bill 33 (135th G.A.).

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

ODA's proposed amendments will reduce the cost of compliance. Please review ODA's response to questions #15, #16, and #17 on the BIA for details.

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.

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? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable