

## 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:**

**Address:** 246 N. High St. 1st Floor Columbus OH 43215-2046

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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?** 10/14/2022
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 9 - 134 - McColley, Roegner
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; 42 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. The primary purpose of this filing is to reduce regulatory restrictions.

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

This rule establishes requirements applying only to AAA-provider agreements for nutrition projects.

ODA proposes to amend this rule to achieve the following:

1. Delete the use of unnecessary regulatory restrictions from this rule without substantively changing the rule's requirements. For example, the restriction in (A)(13)(b) repeats paragraph (B)(9) of rule 173-3-06 of the Administrative Code and is, therefore, unnecessary. Additionally, the duplication of regulatory restrictions in the references in paragraphs (A)(1), (A)(2), and (A)(6) of this rule to requirements in other rules is unnecessary.

2. Replace "receives" in paragraph (A)(13)(a)(i) of this rule with "successfully completes."

3. Insert "successfully" before "completes" in paragraph (A)(13)(a)(ii) of this rule.

ODA also proposes to make non-substantive improvements to this rule.

**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.**

ODA made a revised filing of this rule to clarify that the requirement to screen consumers "at least annually" in paragraph (A)(4)(a) of this rule means screening "at least every calendar year." ODA also revised this RSFA.

## **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

Not Applicable

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

Please review the BIA for details, especially ODA's responses to questions #16C and #17.

- 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.**

Nor 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 the BIA for details, especially ODA's responses to questions #16C and #17.

- 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? 12**

(A) ...the AAA SHALL include the following requirements, flexibilities, and recommendations

(A)(1) In every AAA-provider agreement, the AAA SHALL include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.

(A)(2)(a) ...the AAA SHALL include the requirements in rule 173-4-05.1 of the Administrative Code in the AAA-provider agreement.

(A)(2)(b) ...the AAA SHALL include the requirements in rule 173-4-05.2 of the Administrative Code in the AAA-provider agreement.

(A)(2)(c) ...the AAA SHALL include the requirements in rule 173-4-05.3 of the Administrative Code in the AAA-provider agreement.

(A)(6) The provider SHALL comply with rule 173-3-07 of the Administrative Code.

(A)(7)(a) In the The AAA-provider agreement, the AAA shall\* REQUIRE the provider to implement.... [We are retaining this occurrence of "shall."]

(A)(8)(b) ...the method by which the provider SHALL offer ingredient information on the meals provided to consumers.

(A)(9)(a) The provider SHALL target nutrient levels based on the predominant population and health characteristics of the consumers in the PSA.

(A)(9)(e) In the AAA-provider agreement, the AAA SHALL give the provider flexibility....

(A)(10) If..., the provider SHALL comply with the additional requirements in rule 173-4-06 of the Administrative Code.

(B)(13)(b) The provider SHALL make, and retain, a record of each employee's completion of orientation and in-service training and the topics covered during the orientation and in-service training.

- 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