

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-4-11

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act nutrition program: grocery ordering and delivery.

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?** 8/14/2020
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
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.392; 42 U.S.C. 3030e, 3030f; 45 C.F.R.1321.65
6. **What are the reasons for proposing the rule?**

ODA is reviewing this rule before its 5-year deadline to do so.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes the requirements for an AAA-provider agreement for a grocery ordering and delivery service.

ODA proposes to amend this rule to do the following:

1. Include Title III-E as an allowed source of funds.
2. Clarify that this service helps consumers shop for "consumable supplies or material aide to meet basic needs, including groceries" rather than simply "groceries."

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. 121.75, 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 revised this rule to replace "consumer's signature" with "a unique identifier of the consumer" and to say that, during a state of emergency declared by the governor, the provider may verify each episode of service provided without collecting the unique identifier of the consumer.

II. Fiscal Analysis

11. **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

The proposed amendments to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

For a detailed response, please review ODA's responses to questions #16 and #17 on 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
- 15. 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

- 16. Was this rule filed with the Common Sense Initiative Office? Yes
- 17. 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

This rule requires the provider to retain a record to verify that it provided this service. For more information on adverse impact, please review ODA's responses to questions #16 and #17 on 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. 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?

Not Applicable

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

Not Applicable