Rule Summary and Fiscal Analysis (Part A)

Department of Aging
Agency Name

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Division   Contact

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173-40-01
Rule Number

AMENDMENT
TYPE of rule filing

Rule Title/Tag Line   **PASSPORT program (state-funded component): introduction and definitions.**

RULE SUMMARY

1. Is the rule being filed for five year review (FYR)? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.01, 173.02, 173.522**

5. Statute(s) the rule, as filed, amplifies or implements: **173.522**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

    ODA is filing the rule as part of an end-of-the-year rule package for making miscellaneous updates.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

ODA proposes to amend the rule to (1) replace "OAC5160:1-1-55.1" with "OAC5160-1-33" to correspond to ODM's pending proposal to change rule numbers and (2) to revise the date of ODJFS's latest version of Form JFS07200.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

The rule references forms readily available to the general public, free of charge, on state agency websites.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

The rule references forms readily available to the general public, free of charge, on state agency websites.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **11/10/2016**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No

Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

> This will have no impact on revenues or expenditures.
>
> $0.00
>
> Adopting the amendments ODA proposes for this rule would create no impact upon the biennial budget the Ohio General Assembly established for ODA. The amendments merely represent reference changes created by other state agencies.
>
> Additionally, the amendments would not impact ODA's biennial budget because the General Assembly appropriated the budget line item associated with this rule to ODM. Although ODA operates the state-funded component of the PASSPORT Program, H.B. No. 153 (129th G. A.) moved the program's funding to budget line items for the program to ODJFS. Subsequent legislation created ODM out of the Office of Medicaid in ODJFS.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

> GRF-651-525 Medicaid/Health Care Services.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

> The adoption of the ODA's proposed amendments would create no cost of compliance to any directly-affected person.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

> The rule does not regulate Ohio businesses. It merely introduces OAC Chapter 173-40 and defines terms used in the chapter.

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**

> The rule does not regulate Ohio businesses. It merely introduces OAC Chapter 173-40 and defines terms used in the chapter.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

> The rule does not regulate Ohio businesses. It merely introduces OAC Chapter 173-40 and defines terms used in the chapter.