

Rule Summary and Fiscal Analysis (Part A)**Department of Aging**

Agency Name

Division

Tom Simmons

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173-40-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Eligibility, disenrollment, and appeals for the PASSPORT
grandparented eligibility home care program.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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: **111.15**

4. Statute(s) authorizing agency to adopt the rule: **173.02, uncodified section 213.20 of Am. Sub. H. B. No. 119 (127th G. A.)**

5. Statute(s) the rule, as filed, amplifies or implements: **Uncodified section 213.20 of Am. Sub. H. B. No. 119 (127th G. A.)**

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

Pursuant to section 119.032 of the Revised Code, ODA is reviewing the rules of Chapter 173-40 of the Administrative Code because every agency is required to review each of its rules at least once every five years. ODA is also taking this opportunity to reorganize the rules of Chapter 173-40 of the Administrative Code.

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:

This proposed rule contains the procedures for re-checking the eligibility status of consumers in the PASSPORT grandparented home care program and the procedure for notifying and disenrolling a consumer who no longer meets the eligibility requirements for that program. This proposed amended rule also contains the appeals process for handling a consumer who may be notified of a disenrollment, but files an appeal on that motion. This proposed amended rule no longer contains the language regarding the eligibility criteria, since ODA is simultaneously proposing new rule 173-40-02 of the Administrative Code to contain that language.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

On October 17, 2007, ODA revise-filed this rule in order to delete the the second occurrence of the word "eligibility" as it appears in the oft-used phrase "eligibility

for PASSPORT grandparented eligibility home care program" and the variants of that phrase. As part of this revised filing, ODA also made other non-substantial clarifications to the rule language and to the RSFA.

12. 119.032 Rule Review Date: **10/16/2007**

(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

ODA anticipates that the proposed adoption of this new rule will have no impact upon the biennial budget established for ODA by the Ohio General Assembly.

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

GRF-490-403 PASSPORT.

4U9-490-602 PASSPORT Fund.

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:

ODA estimates that there will be no cost of compliance to any directly affected persons associated with the proposed amendment of this rule, since the amendments merely bring clarity to the proposed amended rule and do not substantially change the meaning or function of the current rule. ODA also

estimates that the deletion of the language in the rule that provided the criteria for eligibility for the PASSPORT grandparented home care program will also cause no cost of compliance to any directly affected persons because ODA is simultaneously proposing to incorporate that language into proposed new rule 173-40-02 of the Administrative Code with no substantial changes.

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**