

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

Agency Name

Division

**Mike Laubert**

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**173-40-05**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Receivership.****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, 173.40, Section 16.02 of Am. Sub. H.B. 94 of the 124th G.A.**

5. Statute(s) the rule, as filed, amplifies or implements: **173.40, Section 16.02 of Am. Sub. H.B. 94 of the 124th G.A.**

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

This rule is being proposed for amendment as part of the five-year rule review requirement mandated under section 119.032 of the Revised 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 rule authorizes the Department of Aging to ask a court to place a PASSPORT Administrative Agency in receivership in the event a PASSPORT Administrative Agency commits a substantial violation of the terms and conditions of its agreements with the Ohio Department of Aging and the Ohio Department of Job and Family Services. The rule has been amended to reflect that the Department of Job and Family Services is no longer known as the Department of Human Services.

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:

*Not Applicable.*

12. 119.032 Rule Review Date: **10/15/2002**

(If 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: At 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

The proposed rule will have no impact upon the Department of Aging's budget.

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

All costs of the state-funded PASSPORT program and the state and federal-funded Medicaid waiver program are paid for with monies from the following line items: GRF 490-403 (PASSPORT), 4U9 490-602 PASSPORT fund, 4J4 490-610 PASSPORT/RSS, and 3C4 490-607 PASSPORT.

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:

PASSPORT Administrative Agencies placed in receivership may incur costs dependedt upon the terms of the court orders that place the agencies in receivership. The amount of those costs is purely speculative and cannot be determined at this time.

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**