

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

Agency Name

Division

**Tom Simmons**

Contact

**50 West Broad Street 9th floor Columbus OH  
43215-3363**

Agency Mailing Address (Plus Zip)

**614-728-2548**

Phone

Fax

**173-50-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Introduction and definitions.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB66**General Assembly: **126**Sponsor: **Calvert**

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: **173.02, 173.50**

5. Statute(s) the rule, as filed, amplifies or implements: **173.50**

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

In response to Am. Sub. H. B. No. 66 (126th G. A.), which permits ODA to adopt rules subject to rules adopted by ODJFS that authorize these rules, this proposed new rule is being filed to introduce the Program of All-inclusive Care for the Elderly (PACE) and to provide definitions used throughout proposed new Chapter 173-50 of the Administrative Code.

On March 21, 2007, ODA posted a draft of the proposed new rule for a two-week-long public comment period. After considering the input received from

that period, ODA is now proceeding with the filing of this proposed new rule.

Pursuant to section 173.50 of the Revised Code, ODA may only adopt this rule once ODJFS has adopted a rule that gives ODA the authority to do so.

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 new rule introduces the Program of All-inclusive Care for the Elderly (PACE) and provides definitions used throughout proposed new Chapter 173-50 of the Administrative Code.

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 the morning of October 1, 2008, ODA refiled this rule. Although many technical changes were made, none were made that would change the intent or function of proposed new Chapter 173-50 of the Administrative Code. The changes

included:

1. Adding the outlining terms, "introduction" and "definitions."
2. Replacing the technical introduction to the chapter with language that is comparable to the general language found on ODA's web site.
3. Replacing the definition of "authorized representative" with a definition that references the definition being proposed in a new rule by ODJFS.
4. Removing the definitions for "grievance process," "individual," "involuntary disenrollment," "JFS 2398," "JFS 7200," "nursing facility," "PAA," "participant handbook," "service area," and "skilled level of care," because, throughout the rules of proposed new Chapter 173-50 of the Administrative Code, those terms are not used, have obvious meanings that do not require definitions, or are only used once. For example, the topic of grievance appears in one paragraph and its meaning is clear enough to not warrant a definition. Definitions for the ODJFS forms now appear in the refiled version of rule 173-50-03 of the Administrative Code.
5. Reducing verbosity. For example, the words "the PACE program" and similar constructions were simplified to "PACE." (The "P" in the acronym "PACE" means "Program.")

On the afternoon of October 1, 2008, ODA refiled this rule again to change the public hearing's date and location.

#### 12. 119.032 Rule Review Date:

(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 does not anticipate any increase nor decrease in expenditures appropriated to ODA in the current biennium.

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

3C4-490-621 PACE-Federal

GRF-490-421 PACE

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:

Because this proposed new rule merely contains an introduction to the PACE program and also defines terms used throughout proposed new Chapter 173-50 of the Administrative Code, ODA does not anticipate that there will be any costs of compliance with this rule to any persons.

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**