

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

Agency Name

Division

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173-50-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Eligibility criteria.**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: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.01, 173.02, 173.50**

5. Statute(s) the rule, as filed, amplifies or implements: **173.50; 42 C.F.R. 460.150, 460.160 (10/01/2011 edition)**

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

ODA is proposing to amend this rule as part of a larger project to review Chapter 173-50 of the Administrative code before the review dates at the end of rules. (Cf., Section 119.032 of the Revised Code.) Such a review is commonly called a "five-year rule review."

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 lists the eligibility criteria for a person who wants to enroll as a participant in PACE.

ODA is proposing to:

1. Replace "to transfer to" in paragraph (A)(7) of the rule with "upon enrollment in." This keeps the use of "enroll" consistent throughout the chapter.
2. Replace the passive-voice language in paragraph (B) of the rule with active-voice language. (Cf., Ohio Legislative Service commission. "Rule Drafting Manual." 4th ed. May, 2006. Pg., 47.)
3. Add "(October 1, 2011)" after the citations to the Code of Federal Regulations in paragraph (C) of the rule to comply with section 121.75 of the Revised Code.
4. Change the punctuation in paragraph (C) of the rule.

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 sections of the Code of Federal Regulations that ODA cites in the text of this rule and at the end of this rule are generally available on this page of the U.S. Government Printing Office website:

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

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:

In the text of this rule and the rule-amplifies section at the end of the rule, ODA cites the Code of Federal Regulations for PACE. Section 121.75 of the Revised Code allows ODA to not incorporate the text of the regulations because the federal government publishes the text of the federal regulations and, thus, the federal regulations are readily available to the public.

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. 119.032 Rule Review Date: **11/21/2012**

(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

Although ODA operates PACE, in H.B.153 (129th G.A.), the Ohio General Assembly moved the funding for the program to budget line item GRF-600-525, which is under JFS, not ODA. Therefore, ODA estimates that the proposed amendment of this rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B.153 or that was amended by H.B.487 (129th G.A.)

However, ODA believes that it is also helpful to explain that the adoption of this proposed amended rule will have no impact upon budget line item GRF-600-525.

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

GRF-600-525 health Care/Medicaid (State and Federal)

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 is no cost of compliance to any directly-affected person associated with the proposed amendment of this rule.

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**

This rule presents eligibility criteria for a would-be participant (i.e., a patient or consumer), to participate in PACE. It does not present the eligibility criteria for an Ohio business to participate in PACE.

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**

This rule presents eligibility criteria for a would-be participant (i.e., a patient or consumer), to participate in PACE. It does not present the eligibility criteria for an Ohio business to participate in PACE.

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

This rule presents eligibility criteria for a would-be participant (i.e., a patient or consumer), to participate in PACE. It does not present the eligibility criteria for an Ohio business to participate in PACE.