

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

Agency Name

Division

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173-50-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Enrollment process.**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, 173.404, 173.50**

5. Statute(s) the rule, as filed, amplifies or implements: **173.404, 173.50, 173.501; 42 C.F.R. 460.152, 460.154, 460.156 (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 details the enrollment process for a person to become a participant in PACE.

ODA is proposing to delete "to ODA" in paragraph (A)(3) of the rule. It is still true that ODA reserves the right to restrict enrollment based upon the funding appropriated for PACE. However, after the passage of H.B.153 (129th G.A.), PACE draws its appropriates from JFS' budget line item GRF-600-525.

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 section of the Code of Federal Regulations that ODA cites at the end of this rule is generally available on this page of the U.S. Government Printing Office's website:

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

The forms that ODA mentions in this rule, and defines under paragraph (F) of the rule, are generally available on this page of the Ohio Department of Job and Family Services' website:

<http://www.odjfs.state.oh.us/forms/inter.asp>

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 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 into the rule because the federal government publishes the text of the federal regulations and, thus, the federal regulations are readily available to the public.

In the rule, ODA defines three forms. Section 121.75 of the Revised Code allows ODA to not incorporate the text of the forms into the rule because the state

publishes the forms and, thus, the forms 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:

On January 7, 2013, ODA refiled the proposed amended rule to:

1. Add to each definition of a form under paragraph (F) of the rule the date of the form's latest revision. This allows ODA to more fully comply with section 121.75 of the Revised Code which requires state agencies to specify the dates of forms that the agency incorporates into a rule by referencing it in the rule.

2. Revise items 8, 9, and 11 of this RSFA.

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 the enrollment process for a would-be participant (i.e., a patient or consumer) to enroll in PACE. It does not present the enrollment process for an Ohio business to enroll 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 the enrollment process for a would-be participant (i.e., a patient or consumer) to enroll in PACE. It does not present the enrollment process for an Ohio business to enroll in PACE.

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

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