

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-51-02

Rule Type: Amendment

Rule Title/Tagline: Assisted living program (state-funded component): eligibility requirements.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/27/2022
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 9 - 134 - McColley, Roegner
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** 121.07, 173.01, 173.02, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.543
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule exists to establish the eligibility requirements for an individual to enroll in the state-funded component of the Assisted Living Program.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes the eligibility requirements for an individual to enroll in the state-funded component of the Assisted Living Program.

ODA proposes to amend this rule to achieve the following:

1. Eliminate the unnecessary use of a regulatory restriction ("shall") from this rule--especially since this rule does not regulate any Ohio business. (cf., R.C. §§ 121.95 and 121.951)

2. Delete references to forms since ODA is proposing to no longer require using forms.

3. Insert "cooperative and" before "actively assisting" in paragraph (A)(2)(c) of this rule.

4. Replace the reference to an "ODA-certified living unit" in paragraph (A)(3)(c) of this rule with a reference to a "resident unit." This will allow this rule to use the same terminology found in rule 173-39-02.16 of the Administrative Code.

5. Amend paragraph (D) of this rule so that the resulting paragraph establishes the following:

* The following new sentence at the beginning of the paragraph: "ODA's designee may allow an individual to provide verbal agreement for intent to enroll on the state-funded component of the assisted living program at the time of assessment if the individual is unable to provide a unique identifier of the individual."

* Using "ODA's designee may collect a unique identifier of the individual" instead of "ODA's designee may collect the individual's handwritten or electronic signature." The latter covered only two types of unique identifiers that an individual may use to represent themselves. [See the definition of "unique identifier" in rule 173-51-01 of the Administrative Code.]

* Replacing the deadline to collect the unique identifier from the next reassessment of the individual to thirty days after the individual's original enrollment date.

ODA also proposes to make non-substantive improvements to this rule, such as converting the passive voice to the active voice.

9. Does the rule incorporate material by reference? No

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Adopting ODA's proposed amendments to this rule will not create any cost of compliance to any directly-affected person or organization.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- 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**
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**

This rule does not regulate any Ohio business.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 1**

(C) An individual who is eligible for the state-funded component of the assisted living program SHALL NOT participate in the state-funded component of the assisted living program for more than ninety days, unless ODA's director approves an extended number of days.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable