

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

Agency Name

Division

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**173-6-01**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**Introduction.****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? **Yes**

Bill Number: **HB468**General Assembly: **126**Sponsor: **Hagan**

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, 173.06, 173.061**

5. Statute(s) the rule, as filed, amplifies or implements: **173.06, 173.061**

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

ODA has reviewed this rule in accordance with Sub. H. B. No. 473 (121st G. A.) and section 119.032 of the Revised Code, which require a state agency to review each rule every five years to determine whether to continue without change, to amend, or to rescind a rule. Because ODA decided to rescind rule 173-6-02 of the Administrative Code and to consolidate the language from that rule into this rule, and, because, in accordance with Am. Sub. H. B. No. 468 (126th G. A.), ODA needs to delete the language in this rule that concerns a prescription discount program, ODA would have amended over fifty per cent of this rule if the rule

would have been filed as a proposed amended rule. Therefore, in accordance with the "fifty per cent guideline" in the Fourth Edition of the LSC Rule Drafting Manual (May, 2006), ODA is now proposing to rescind this rule.

This rule was posted on the ODA web site for a public comment period on April 11, 2007. Because ODA received no objection to this rule during that comment period, ODA is now proposing this rule for rescission. Simultaneously, ODA will proposed new rule 173-6-01 (Introduction and definitions) of the Administrative Code to replace this rule (Introduction) and also 173-6-02 (Definitions) of the Administrative 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 being proposed for recission simply introduces the Golden Buckeye program, including the prescription discount program that was part of the Golden Buckeye program until it was merged with the Best Rx program by Am. Sub. H. B. No. 468 (126th G. A.).

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:

*This response left blank because filer specified online that the rule does not*

*incorporate a text or other materials by reference.*

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: **4/16/2007**

(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

Because this proposed rescission of a rule merely contains an introduction to the Golden Buckeye program and because it is being replaced by a proposed new rule, ODA anticipates that this proposed rescission will have no impact upon the budget of ODA established by the Ohio General Assembly.

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

GRF-490-405 Golden Buckeye Card (this includes the prescription discount program)

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 rule proposed for rescission merely introduces the Golden Buckeye program, there is no cost of compliance with this rule nor with the proposed rescission 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**