

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-9-10

Rule Type: Rescission

Rule Title/Tagline: Disciplinary action.

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?** 1/10/2018
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 173.01, 173.02, 173.38, 173.381, 173.391, 173.392; 42 U.S.C. 3025(a)(1)(C); 45 C.F.R. 1321.11
5. **What statute(s) does the rule implement or amplify?** 173.38, 173.381; 45 C.F.R. 460.68(a), 460.71(a)(1), 460.371(a)(2), 460.194
6. **What are the reasons for proposing the rule?**

ORC §§ 173.38 and 173.381 require ODA to adopt rules to implement those sections. ORC §§ 173.391 and 173.392 require ODA to adopt rules to implement standards for providers, which include background checks. These rules inform readers where the laws on disciplining providers for non-compliance with OAC Chapter 173-9 are to be found. Without the rule, this chapter would contain no language on disciplinary actions and no bridge to inform readers that laws on the matter exist elsewhere.

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

This rule provides a link between the requirements of Chapter 173-9 and other rules or agreements establishing the means by which a responsible party would face consequences for failure to comply with Chapter 173-9.

ODA is proposing to rescind this rule. Please review the RSFA for the new rule for notation of difference between this rule and the proposed new rule.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **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

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

ODA estimates the proposed rescission of this rule will not affect the biennial budget the Ohio General Assembly established for ODA, especially since ODA is simultaneously proposing to adopt a substantially-similar new rule to take its place.

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

There is no cost of compliance to any directly-affected person associated with ODA's proposal to rescind this rule because ODA is simultaneously proposing to adopt a new rule to take its place. See the RSFA for the new rule.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

III. Common Sense Initiative (CSI) Questions

15. **Was this rule filed with the Common Sense Initiative Office?** Yes
16. **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

A responsible party may face disciplinary actions for non-compliance with this chapter. This rule does not detail the penalties. Instead, it itemizes the laws that may require disciplinary actions.

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