

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3304-2-52

Rule Type: Amendment

Rule Title/Tagline: Least cost, use of comparable benefits, participant contribution, and fees for services.

Agency Name: Opportunities for Ohioans with Disabilities

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 10/1/2024
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?** ORC 3304.15(C)(1), ORC 3304.15(D)
5. **What statute(s) does the rule implement or amplify?** ORC 3304.15(D)
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?**

The proposed rule change removes the inconsistent statement that "Comparable services and benefits do not include awards and scholarships based on merit." The revisions allow for consistency with OAC 3304-2-58 and with the revised

requirements in in OOD's updated College, and Occupational, and Vocational Skills Training procedure regarding comparable benefits.

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

OAC 3304-2-52 contains the requirement to utilize least cost, and the use of comparable benefits when authorizing goods and/or services to individuals with disabilities. The proposed amendment to this rule updates the definition of "comparable benefits" by removing language that states, "comparable services and benefits do not include awards and scholarships based on merit" which is inconsistent with OAC 3304-2-58 which states "The OOD contribution to college, occupational, or vocational training program expenses shall be computed by subtracting the following from the cost of allowable educational expenses: the combined total of all grant monies, comparable benefits, and the EFC to be paid by the individual with a disability. Scholarships and other awards based on merit may be used by the individual with a disability to meet the EFC. The individual with a disability shall disclose to OOD all known scholarships and other awards based on merit prior to OOD's contribution determination. OOD's contribution to educational expenses shall be reduced by the amount of scholarships and other awards based on merit that exceed the EFC. OOD and the individual shall engage in maximum efforts to secure grant assistance in whole or in part from other sources to pay for training." So scholarships and awards based on merit do impact comparable benefits.

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.

Removed the reference to (l)(1) in section (l), because a subsection (l)(1) does not exist. Modified the language in (l) as a result.

06/21/2023 Incorrectly included "ORC 3304.16(D)" as an authorizing statute. Deleted from "What statute(s) grant rule writing authority?" section.

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.

Not Applicable.

Not Applicable.

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

Not Applicable.

- 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

- 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? No

- A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable