

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4751-1-16

Rule Type: Amendment

Rule Title/Tagline: Fees.

Agency Name: Board of Executives of Long-Term Services and Supports

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? 11/10/2021
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 263 - 133 - Koehler
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4751.04; 42 U.S.C. 1396g(c)(1); 42 C.F.R. 431.707
5. What statute(s) does the rule implement or amplify? 4751.03, 4751.15, 4751.20, 4751.201, 4751.202, 4751.21, 4751.24, 4751.25, 4751.26, 4751.32, 4751.381; 42 U.S.C. 1396g(c); 42 C.F.R. 431.707
6. What are the reasons for proposing the rule?

This rule exists to list the the Board's fees in one place.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule lists the Board's fees in one place.

The Board proposes to amend this rule to cite its authority to charge a nominal fee for a criminal conviction determination.

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. 121.75, 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. **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

Any fees that the Board will collect reimburse the Board for its administrative costs related to the fee.

Any fees that the Board proposes to collect pursuant to section 9.78 of the Revised Code related to a criminal conviction determination will be used to reimburse the costs it incurs in making the determination, which makes the fee revenue-neutral.

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

The proposed amendments to this rule will create no new cost of compliance to any directly-affected person because the authority to charge a nominal fee exists in section 9.78 of the Revised Code even if not restated in this rule. That section permits the Board to "charge a fee of not more than twenty-five dollars for each request...to reimburse the costs it incurs in making the determination."

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

Section 9.78 of the Revised Code permits the Board to "charge a fee of not more than twenty-five dollars for each request...to reimburse the costs it incurs in making the determination."

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. Does this rule have an adverse impact on business? Yes
 - 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? Yes

Please review the business impact analysis.
 - 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable