

**Department of  
Aging**

**John Kasich**, Governor  
**Bonnie Kantor-Burman**, Director

## NOTICE

H.B. No. 153's amendments to section 173.391 of the Revised Code take effect on September 29, 2011. The amendments will change the **disciplinary actions against non-compliant certified providers**. ODA must now incorporate the changes into the Administrative Code. ODA proposes to do so by replacing rule 173-39-05 of the Administrative Code with a new rule, adopting new rule 173-39-05.1 of the Administrative Code, and amending rules 173-39-06 of the Administrative Code. (At the same time, ODA is also proposing to amend rule 173-39-08 of the Administrative Code.) ODA proposes to adopt these rule proposals on September 29, 2011, the same day that H.B. No. 153's amendments take effect.

As required by section 119.03 of the Revised Code, ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendment to the rule. ODA will conduct the hearing on **August 15, 2011** at 50 W. Broad Street, 10th floor; Conference Rooms A&B; Columbus, OH 43215. The hearing will begin at **1:30PM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

ODA will consolidate this public hearing with nine other public hearings on August 15, 2011 to reduce the state's administrative expenses and to reduce the general public's costs associated with traveling to Columbus to participate in public hearings.

Any person may direct written comments or requests for information concerning the rule proposals to Tom Simmons, ODA's rules manager, on or before the date of the hearing by writing to [rules@age.state.oh.us](mailto:rules@age.state.oh.us).

### INTRODUCTION

ODA is proposing to amend Chapter 173-39 of the Administrative Code. In doing so, ODA has 3 basic goals:

1. To implement H.B. No. 153's changes to section 173.391 of the Revised Code into Chapter 173-39 of the Administrative Code. H.B. No. 153's amendments to section 173.391 of the Revised Code take effect on September 29, 2011. The amendments will change the disciplinary actions against non-compliant certified providers. ODA must now incorporate the changes into the Administrative Code. ODA proposes to do so by replacing rule 173-39-05 of the Administrative Code with a new rule, adopting new rule 173-39-05.1 of the Administrative Code, and amending rule 173-39-06 of the Administrative Code. (At the same time, ODA is also proposing to amend rule 173-39-08 of the Administrative Code.) ODA proposes to adopt these rule proposals on September 29, 2011, the same day that H.B. No. 153's amendments take effect.
2. To comply with section 119.032 of the Revised Code, which requires each state agency to review each rule on or before the rule's designated review date.
3. To comply with Governor Kasich's Executive Order 2011-01K "Implementing Common Sense Business Regulation" and S.B. No. 2 (129<sup>th</sup> G.A.):

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- a. ODA is proposing to adopt the new rules after interested parties and the general public have had opportunities to provide input:
  - i. Interested parties and the general public had the opportunity to testify to the finance committees of the Ohio House of Representatives and the Ohio Senate as those legislative bodies considered public testimony on the amendments that H.B. No. 153 proposed to make to section 173.391 of the Administrative Code.
  - ii. From June 30, 2011 to July 11, 2011, ODA posted the proposed amended rules on <http://aging.ohio.gov/information.rules/proposed.aspx> for a public-comment period.
- b. After reviewing and proposing amendments to the rule, ODA has determined that:
  - i. The proposed amendments to Chapter 173-39 of the Administrative Code regarding disciplinary measures do not burden any Ohio business that complies with Chapter 173-39 of the Administrative Code. They also do not burden an Ohio business that does not comply with Chapter 173-39 of the Administrative Code beyond the disciplinary actions prescribed by section 173.391 of the Revised Code, as amended by H.B. No. 153.
  - ii. ODA made the rules as easy to read as the subject matter allowed, gave non-disciplinary actions a rule of their own so that the each rule remained a one-topic rule, added numerous sub-headings to the rules to make thumbing through the rules easy, wrote in the active voice so the language clearly identified who is responsible for what action.