

**Department of
Aging**

John Kasich, Governor
Bonnie Kantor-Burman, Director

NOTICE

H.B. No. 153's amendments to section 173.40 of the Revised Code codify ODA's authority to create the **state-funded component of the PASSPORT Program** and require ODA to adopt rules to implement the program, including a rule on that establishes the three categories of eligibility criteria. The amendments also change the nomenclature for the same program. The effective date of H.B. No. 153's amendments is July 1, 2011. ODA must now amend Chapter 173-40 of the Administrative Code to bring the rules into compliance with the new statute. ODA's proposes to adopt the amendments to the chapter on September 29, 2011.

H.B. No. 153 authorizes ODA to file the rules of this chapter according to section 111.15, not section 119.03, of the Revised Code. Filing proposed new rules under section 111.15 of the Revised Code does not require ODA to conduct a public hearing. Nevertheless, ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendments to Chapter 173-40 of the Administrative Code. 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, by writing to rules@age.state.oh.us.

ODA is proposing to amend Chapter 173-40 of the Administrative Code. In doing so, ODA has 3 basic goals:

1. To incorporate H.B. No. 153's amendments to section 173.40 of the Revised Code into Chapter 173-40 of the Administrative Code. H.B. No. 153's amendments to section 173.40 of the Revised Code codify ODA's authority to create the state-funded component of the PASSPORT Program and require ODA to adopt rules to implement the program, including a rule that establishes the three categories of eligibility criteria. The amendments also change the nomenclature for the same program. The effective date of H.B. No. 153's amendments is July 1, 2011. ODA must now amend Chapter 173-40 of the Administrative Code to bring the rules into compliance with the new statute. ODA's proposes to adopt the amendments to the chapter on September 29, 2011.
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 (129th G.A.):

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- a. ODA is proposing to amend the 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 173.40 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. ODA reviewed the rules to eliminate unnecessary regulations and to write rules that were as easy to read as the subject matter allows. In doing so, ODA:
 - i. Used 1-topic rules to allow the title of each rule to give away the content of the rule. This allows any person to thumb through the rule titles of the Ohio Administrative Code to easily find a particular rule.
 - ii. Incorporated sub-headings into the rules to allow any person to thumb through the sub-headings to easily find a particular sub-topic. Subheadings particularly help in two rules that outline the eligibility criteria or the disenrollment of three categories of eligibility: presumptive, loss of medicaid, and grandfathered.
 - iii. Made the terminology more homogenous from one rule to the next, from one program to the next, and between the Ohio Administrative Code and the Ohio Revised Code.
 - iv. Increased the use of natural use of terms to avoid unnatural definitions, jargon, and legalese.
 - v. Replaced much of the passive voice with the active voice to increase language that clearly states who is responsible for what action.