

**Department of
Aging**

John Kasich, Governor
Bonnie Kantor-Burman, Director

NOTICE

After reviewing the rule according to section 119.032 of the Revised Code, ODA is proposing to rescind rule 173-40-05 of the Administrative 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 rescission of the rule. ODA will conduct the hearing on **November 15, 2011** at 50 W. Broad Street, 10th floor; Conference Room A; Columbus, OH 43215. The hearing will begin at **1:00PM** 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 at least one other public hearing on **November 15th** 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.

INTRODUCTION

ODA is proposing to rescind rule 173-40-05 of the Administrative Code. In doing so, ODA has 3 basic goals:

1. To eliminate an unnecessary rule. If receivership is ever warranted, Chapter 2735 of the Revised Code will grant the necessary authority, thereby negating the need for this rule. Likewise, without this rule, ODA will continue to have authority to monitor PASSPORT Administrative Agencies through the provider agreements (*i.e.*, two-party agreements and three-party agreements) in which it enters with the PASSPORT Administrative Agencies.
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.), which require ODA to seek the input of interested parties and the general public before filing the proposed rescission of the rule with the Joint Committee on Agency Rule Review. From October 5, 2011 to October 11, 2011, ODA posted the proposed rule proposed for rescission on <http://aging.ohio.gov/information.rules/proposed.aspx> for a public-comment period.

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