

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-2-01

Rule Type: New

Rule Title/Tagline: AAAs: introduction and definitions.

Agency Name: Department of Aging

Division:

Address: 30 E Broad St. 22nd Floor Columbus OH 43215-3414

Contact: Tom Simmons **Phone:** 614-202-7971

Email: tsimmons@age.ohio.gov

I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
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? 121.07, 173.01, 173.011, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.9
5. What statute(s) does the rule implement or amplify? 173.011, 173.39, 173.392; 42 U.S.C. 3002; 45 C.F.R. 1321.3
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?

This proposed new rule will exist to define terms used in Chapters 173-2, 173-3, and 173-4 of the Administrative Code.

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

ODA proposes to adopt this new rule to replace the current version of the same rule, which ODA simultaneously proposes to rescind due to section 4.3.1 of the Legislative Service Commission's "Rule Drafting Manual," 5th ed., which generally requires state agencies to rescind a rule and to adopt a new rule in its place if amending the rule would strike more than 50% of the text and replace the stricken text with new text.

ODA proposes to do so before this rule's review deadline under RC§106.03.

This proposed new rule will define terms used in Chapters 173-2, 173-3, and 173-4 of the Administrative Code.

The following are the substantive differences between the definitions in the current versions of rules 173-2-01, 173-3-01, and 173-4-01 and the proposed new definitions in this rule:

1. The definition of "area agency on aging" will include a reference to 45 C.F.R. 1321.19.

2. The definition of "planning and service area" will include a reference to 45 C.F.R. 1321.13.

3. The new rule will not define "care coordination program" for the following reasons:

(A) The term is sometimes used in place of "case management," which creates confusion.

(B) Coordination is not a stand-alone service. Instead, it's an activity of more than one service (e.g., case management, legal assistance).

(C) This rule defines the term "coordination."

(D) A subsequent rule package will remove the term "care coordination program" from any rules in Chapters 173-3 and 173-4 that use the term. ODA is also in the process of rescinding a policy that refers to the same term.

(E) In SFY1986, House Bill 238 (114th GA) began funding "community care coordination" in GRF-490-503. According to the Legislative Budget Office's "Catalogue of Budget Line Items " (1998), the line item paid for "the coordination and delivery of community-based long-term care services for individuals who are deemed ineligible

for Medicaid home care or institutional services by the PASSPORT team." SFY1991 was the last year that the Ohio General Assembly funded the line.

- 9. Does the rule incorporate material by reference? Yes**
- 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.**

This proposed new rule will refer to the Dietary Guidelines for Americans, which is a document published by the U.S. Departments of Agriculture and Health and Human Services. Those departments publish the guidelines on <https://www.dietaryguidelines.gov/>. The general public may readily access the guidelines on that webpage free of charge.

- 11. 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

- 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.

\$0.00

Adopting this proposed new rule will not impact the biennial operating budget that the Ohio General Assembly established for ODA in House Bill 33 (135th GA).

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

This rule merely defines terms used in Chapters 173-2, 173-3, and 173-4 of the Administrative Code. It does not establish requirements and does not create a cost of compliance to any directly-affected person or organization.

- 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