

Rule Summary and Fiscal Analysis (Part A)**Department of Aging**

Agency Name

Division

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173-2-03

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Monitoring area agencies on aging and sanctions.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.011, 173.02**

5. Statute(s) the rule, as filed, amplifies or implements: **173.01, 173.011**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

ODA has reviewed rule 173-2-03 of the Administrative Code in accordance with Sub. H. B. No. 473 (121st G. A.) and section 119.032 of the Revised Code, which require a state agency to review each rule every five years to determine whether to continue without change, to amend, or to rescind a rule.

After this review was completed, ODA posted a draft of a proposed amended rule on the ODA web site for a public comment period in February, 2007.

The proposed amended draft included moving some language from one part of the rule to another as well as updating the language. Because these changes comprised

over fifty per cent of this rule, in accordance with the "fifty per cent guideline" in the Fourth Edition of the LSC Rule Drafting Manual (May, 2006), ODA is now proposing to rescind rule 173-2-03 of the Administrative Code and to replace it with proposed new rule 173-2-03 of the Administrative Code.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule that is being proposed for rescission does the following:

- [1] Declares that ODA shall monitor each AAA for compliance;
- [2] Declares that an AAA shall propose a corrective action plan to remedy a deficiency that may be found when monitored by ODA;
- [3] Declares that an AAA shall submit such a proposed corrective action plan to ODA for approval;
- [4] Declares that ODA may issue a sanction to an AAA that fails to implement a corrective action plan;
- [5] Provides examples of sanctions that ODA may issue to an AAA that fails to implement a corrective action plan;
- [6] States that, in the event that ODA terminates a grant awarded to an AAA, ODA may directly provide any service financed by that grant award or else contract with another AAA to do the same;
- [7] Declares that ODA shall provide an opportunity for a hearing concerning a sanction issued to a AAA; and,
- [8] Declares that ODA may immediately sanction an AAA without offering an opportunity for the AAA to correct its deficiency, whenever such a sanction is required under state or federal law, whenever such a sanction is necessary to protect state and/or federal dollars, or whenever such a sanction is necessary for the health, safety, and welfare of service recipients.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not

incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **4/26/2007**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

ODA anticipates that this proposed new rule will have no impact upon the budget of ODA established by the Ohio General Assembly.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

GRF-490-321 Operating Expenses

GRF-490-403 PASSPORT

GRF-490-411 Senior Community Services

3M3-490-611 Federal Aging Nutrition

3M4-490-612 Federal Independence Services

322-490-618 Federal Aging Grants

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Because this rule is being proposed for rescission and will be replaced by a proposed new rule, ODA estimates that this proposed rescission will not have any cost of compliance to directly affected persons.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**