

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-3-01

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act: introduction and definitions.

Agency Name: Department of Aging

Division:

Address: 246 N. High St. 1st floor Columbus OH 43215-2046

Contact: Tom Simmons **Phone:** 614-728-2548

Email: tsimmons@age.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/5/2021
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 6 - 134 - Roegner
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.392; 42 U.S.C. 3002; 45 C.F.R. 1321.3
6. **What are the reasons for proposing the rule?**

Section 173.392 of the Revised Code requires ODA to adopt rules to establish requirements to include in, or exclude from, AAA-provider agreements (i.e., contracts) that are paid, in whole or in part, with Older Americans Act funds. The rules in Chapter 173-3 of the Administrative Code establish these requirements.

ODA proposes to amend this rule.

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

This rule introduces Chapter 173-3 of the Administrative Code and introduces terms used in that chapter and Chapter 173-4 of the Administrative Code.

ODA proposes to amend this rule to achieve the following:

1. Replace references to Chapter 173-3 of the Administrative Code with "this chapter" to comply with the Legislative Service Commission's "Rule Drafting Manual."
2. Delete the definitions of "consumer's signature" and "service plan."
3. Define "case management service."
4. Define "legal holiday," which will make it possible to delete cross-references throughout the chapter that point to a definition of the term in section 1.14 of the Revised Code.
5. Add a new definition for "licensed healthcare professional" and amend the definitions of "registered nurse" and "licensed practical nurse" to implement Senate Bills 3, 5, 6, and 7 and House Bill 252 (134th General Assembly).
6. Revise the definition of "unique identifier" to include the unique identifier of a driver under rule 173-3-06.6 of the Administrative Code.
7. Reduce requirements for outdated modes of communication by replacing "written testing" in the definition of "competency evaluation" with "standardized testing" and to define "electronic record," "electronic signature," and "health care record."

ODA also proposes to make non-substantive changes to this rule.

- 8. Does the rule incorporate material by reference? Yes**
- 9. 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 rule incorporates definitions from the United States Code which any person may access free of charge on <http://uscode.house.gov/search/criteria.shtml>.

10. **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

11. **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

The adoption of the proposed amendments to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

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

There is no cost of compliance to any person or organization associated with this rule, especially because it merely introduces the chapter and defines terms used in that chapter and Chapter 173-4 of the Administrative Code.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **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

16. **Was this rule filed with the Common Sense Initiative Office? Yes**

17. **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

This rule merely introduces the chapter and defines terms used in that chapter and Chapter 173-4 of the Administrative Code.

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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable