

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-3-06.6

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act: transportation.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 10/30/2024
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, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.9
5. What statute(s) does the rule implement or amplify? 173.392, 4766.14, 4766.15; 42 U.S.C. 3025, 3030d, 3032c, 3032e; 45 C.F.R. 1321.9, 1321.73
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 rule exists to establish requirements to include in, or exclude from, every AAA - provider agreement (i.e., contract or grant) for transportation that is paid, in whole or in part, with Older Americans Act funds.

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

This rule establishes requirements to include in, or exclude from, every AAA -provider agreement (i.e., contract or grant) for transportation that is paid, in whole or in part, with Older Americans Act funds.

ODA proposes to amend this rule to achieve the following:

1. No longer require a daily inspection of a vehicle that never transports consumers/individuals in a wheelchair.
2. No longer require a daily vehicle inspection form.
3. Eliminate the ODA-approved daily vehicle inspection forms (ODA0008 and ODA0011) because most items are inspected by a certified mechanic during the annual vehicle inspection and because checking these items on a daily basis seems unreasonable since the Board of Emergency Medical, Fire, and Transportation Services (EMFTS) does not require a daily inspection for licensed ambulettes.
4. Require the following daily vehicle inspection for only a vehicle that transports consumers/individuals in a wheelchair:
 - a. An inspection that ensures permanent fasteners, safety harnesses or belts, and access ramp or hydraulic lift are working.
 - b. An inspection of which the provider retains a record. There is no requirement or encouragement to use a form.

This daily inspection of only the workability of wheelchair-related items without a form is comparable to the Ohio Department of Developmental Disabilities' (ODODD's) daily inspection in rules 5123-9-18, 5123-9-24, and 5123-9-26 of the Administrative Code.

5. Add a check to the annual vehicle inspection form (ODA0004), which is attached to this RSFA, to ensure that each vehicle has an isolation and biohazard kit. Adding these items ensures compliance with RC§4766.14. These items are currently listed on forms ODA0008 and ODA0011 for daily inspection.
6. Add a check to the annual vehicle inspection form (ODA0004) to ensure that each vehicle has (1) a seatbelt cutter and (2) a first aid kit. These items are currently listed on forms ODA0008 and ODA0011 for daily inspection.

7. Add a statement to the rule to highlight the requirement in RC\$4766.14 for providers to provide drivers with a means of 2-way communication while transporting consumers. ODA previously proposed to add this to the annual inspection form. In response to public comments, ODA will instead point to the requirement in RC\$4766.14.

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 rule refers to a list of training organizations approved by the Board of EMFTS and a training course approved by the same board. The general public may access both free of charge on the board's website.

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

Amending this 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?**

Please review ODA's responses to BIA questions #15, #16, and #17 for details.

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? Yes

18. Does this rule have an adverse impact on business? Yes

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? Yes

Please review ODA's responses to BIA questions #15, #16, and #17 for details.

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

ODA0004

(Rev. 02/01/2025)
Ohio Department of Aging

ANNUAL VEHICLE INSPECTION

VEHICLE ID	
ODOMETER READING	
INSPECTION DATE	
CERTIFIED MECHANIC	(NAME of mechanic)
	(COMPANY NAME: e.g., Buckeye Auto Repair Shop)
	(ADDRESS)
	(SIGNATURE)

GENERAL EMERGENCY EQUIPMENT	Yes	No
Horn operates properly?		
3 red reflectors or flares stored in vehicle?		
5-lb. ABC fire extinguisher secured in vehicle?		
Isolation and biohazard kit or the following contents (at minimum) stored in vehicle?		
<ul style="list-style-type: none">• Safety shield/mask.• Impervious gown.• Disposable gloves.• Bio-waste bag.• Antimicrobial hand wipes.• Disposal bag with ties.• Germicidal disinfectant with dry wipes.• Pick-up scoop with scraper.• Solidifying agent.		
Seatbelt cutter stored in vehicle?		
First aid kit stored in vehicle?		

EMERGENCY DOOR (for bus-type vehicles)	Yes	No
Opens to maximum width without catching or binding?		
Free of obstructions?		
Free of padlocks or other security devices while vehicle is in motion?		
Each handle permanently installed?		
Operating instructions permanently affixed to inside of door?		
Safety buzzer sounds when door opens?		
Safety buzzer placed in driver's area?		

VISIBILITY	Yes	No
Wipers and washer operate properly?		
Wiper blades in driver's field-of-vision clean?		
Wiper blades in working order?		
Rear-view mirror properly secured and properly placed?		
Each side-view mirror properly secured and properly placed?		
Convex blind-spot mirror installed?		
Each mirror reflects a clean image without cloudiness, a crack, or another obstacle?		
Each light operates properly?		

HEATER and DEFROSTER	Yes	No
Heater, defroster, and AC operate properly?		
Each hose in good state (e.g., no cracks/leaks)?		

CHASSIS	Yes	No
The steering gear assembly, power steering unit, brackets, and mounting bolts securely fastened?		
Steering column moves less than ½ an inch when pulled upwards?		
Power steering operates properly and has correct fluid levels and belt tensions?		
Tie rod ends function properly?		
Each tire has full range-of-motion without rubbing chassis or body?		
Each tire has at least 1/16 th of an inch of tread?		
Steering axle free of retreaded tires?		
Each tire free of irregular wear, a cut, or a bruise?		
Each tire balanced?		
Each wheel aligned?		
Each lug nut present and properly tightened?		
Each shock/spring properly mounted and intact?		
Gas tank free of rust, damage, or a leak?		
Gas tank securely mounted?		
Exhaust system operates properly?		
Exhaust sections properly welded/clamped?		
Exhaust manifold free of cracks or missing bolts?		

INTERIOR	Yes	No
Each seat securely fastened to floor?		
Seating area free of broken tubing, protruding metal, or debris?		
Floor made of metal?		
Floor intact and free of holes?		

BODY	Yes	No
Free of any broken part that could cause injury?		
Each window free of chips or cracks and securely mounted without exposed edges?		
No Plexiglas in place of safety glass?		