

## 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:**

**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?** Yes
  - A. **What is the rule's five year review date?** 4/14/2023
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. 1321.11
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.392, 4766.14, 4766.15; 42 U.S.C. 3025, 3030d, 3032c, 3032e; 45 C.F.R. 1321.11, 1321.65
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?**

Chapter 173-3 of the Administrative Code exists 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. This rule exists to establish requirements applying only to AAA-provider agreements for transportation.

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

This rule establishes requirements applying only to AAA-provider agreements for transportation.

ODA proposes to amend this rule to refer to ODA-approved inspection forms rather than refer to each form by name, number, and version date. This will allow innovative providers to propose alternative electronic forms (or paper forms) that ODA can consider for approval in addition to the already-approved inspection forms.

Lastly, ODA also proposes to make additional non-substantive changes to this rule by removing verbosity from 3 paragraphs.

**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.**

The current version of this form references forms that ODA publishes on its website and that are readily available to the public.

Although ODA proposes to no longer reference specific vehicle inspection forms in this rule, and although ODA proposes to allow providers to request ODA's approval for alternate forms--even electronic alternatives, ODA has ODA-created, ODA-approved forms that meet this rule's requirements. They are form ODA0004, which is readily available to the general public on ODA's website, and new forms ODA0008 and ODA0011, which contain new language regarding biohazard kits that better complies with R.C. 4766.14(A)(2) and is similar to the biohazard kits required by the Board of EMFTS, which will make compliance easier for providers who are both licensed by that board and ODA-certified.

**11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

ODA made a revised filing of this rule to insert "as amplified in paragraph (A) (8) of rule 4766-3-13 of the Administrative Code, " in paragraph (B)(3)(a) of this rule after "The provider may hire a person to be a driver only if the person meets all the requirements for drivers under divisions (A)(3) and (B) of section 4766.14 of the Revised Code." This

is in response to testimony provided by the Central Ohio Area Agency on Aging at the 05/16/2023 public hearing.

## **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 budget that the Ohio General Assembly established for ODA.

- 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 questions 15, 16, and 17 of the BIA.

- 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 questions 15, 16, and 17 of the BIA.

- 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