

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-3-06

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act: requirements to include in every AAA-provider agreement.

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?** 10/16/2020
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; 42 U.S.C. 3030d; 45 C.F.R. Part 75, 1321.11, 1321.53, 1321.65, 1321.67
6. **What are the reasons for proposing the rule?**

ODA proposes to amend this rule as part of a larger rule package to implement amendments related to the COVID-19 state of emergency and other matters.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes the general requirements for AAA-provider agreements which section 173.392 of the Revised Code require ODA to establish in rule. On June 11, 2020, ODA adopted an emergency amendment to this rule to require providers entering AAA-provider agreements to subscribe to ODA's service for notifying providers of proposed rule changes, opportunities to comment upon rules, and adopted rule changes. Through this rule package, ODA proposes to adopt the amendment on an ongoing basis. ODA believes that a requirement to subscribe to a free service that keeps providers informed of updates to the Administrative Code and opportunities to participate in the rule-development process will be an asset—not an adverse impact—to providers.

- 8. Does the rule incorporate material by reference? No**
- 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.**

Not Applicable

- 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 proposed amendment to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

The cost of complying with ODA's proposed amendment is the time spent by a provider to access ODA's website and enter their email address to subscribe for email updates. For more information, please review the business impact analysis.

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? 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

The cost of complying with ODA's proposed amendment is the time spent by a provider to access ODA's website and enter their email address to subscribe for email updates.
 - 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? Yes
 - A. How many new regulatory restrictions do you propose adding? 1

(B)(7)(c) In every new agreement, the AAA shall require the provider to sign up for email updates on ODA's rules on <https://aging.ohio.gov/wps/portal/gov/aging/see-news-and-events/subscribe/subscribe>.

B. How many existing regulatory restrictions do you propose removing? 0