

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?** 9/19/2025
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?** 173.39, 173.392; 42 U.S.C. 3030d; 2 C.F.R. Part 300, 45 C.F.R. Parts 160, 162, 164, 1321
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 the requirements to include in, or exclude from, every contract or grant between an area agency on aging (AAA) and a provider (i.e., an

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

The Department of Aging (AGE) proposes to amend this rule to achieve the following:

1. List the federal rules that apply to confidentiality under paragraph (A) of this rule. These include (1) 45 CFR 1321.75, which is included in the already-listed 45 CFR Part 1321 and (2) 45 CFR Parts 160, 162, and 164. Then, delete all requirements under paragraph (B)(4) of this rule that restate these federal requirements. This will reduce paragraph (B)(4) of this rule to just one state-specific requirement to store confidential information in password-protected or locked storage.

2. Replace references to 45 CFR Part 75 with References to 2 CFR Parts 200 and 300 because the United States Department of Health and Human Services (HHS) will replace 45 CFR Part 75 with 2 CFR Part 300 on October 1, 2025 and 2 CFR Part 300 will incorporate 2 CFR Part 200.

3. Replace uses of "ODA" with "AGE."

4. Use "business day" in paragraphs (B)(3)(b) and (B)(3)(d) of this rule since AGE now defines that term in rule 173 2 01 of the Administrative Code.

5. Insert "announced or unannounced" into paragraph (B)(9)(d) of this rule to clarify that a provider must comply with an AAA's monitoring, whether announced or unannounced. Please review AGE's response to question #10 on the business impact analysis (BIA) for more information.

6. Insert a new paragraph (D) of this rule that says the following: "Any reference in this rule to a consumer includes a caregiver if the caregiver is the service recipient."

AGE proposes to make additional non-substantive improvements to this rule.

9. Does the rule incorporate material by reference? No

- 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.**

Not Applicable

- 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 AGE in House Bill 96 (136th GA).

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

For details, please review AGE's responses to BIA questions #15, #16, and #17.

- 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

For details, please review AGE's responses to BIA questions #15, #16, and #17.

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