

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-3-07

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act: consumer contributions.

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?** 10/4/2021
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.3030c-2; 45 C.F.R. 75.403, 1321.11, 1321.53, 1321.65, 1321.67
6. **What are the reasons for proposing the rule?**

ODA adopted this rule to establish (1) the requirements regarding voluntary contributions under 42 U.S.C. 3030c-2(b) and (2) Ohio's option to implement cost sharing under 42 U.S.C. 3030c-2(a).

ODA now 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 implements the requirements regarding voluntary contributions under 42 U.S.C. 3030c-2(b) and establishes Ohio's option to implement cost sharing under 42 U.S.C. 3030c-2(a). Those requirements include a requirement for states opting to require cost sharing to establish a sliding-fee scale, which ODA establishes in this rule.

ODA proposes to amend this rule to correct an internal cross-reference in paragraph (C)(4) of this rule and to align that paragraph with 42 U.S.C. 3030c-2(a)(6)(B), which involves deleting paragraph (C)(4)(c) of this rule and the corresponding language in paragraph (C)(1)(e) of this rule because those paragraphs are not authorized under 42 U.S.C. 3030c-2(a)(6)(B).

ODA also proposes to make non-substantive improvements to the terminology used in this rule.

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

Adopting the proposed amendments to this rule will have no impact upon 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?**

This rule requires providers to safeguard any contributions consumers pay to the provider towards the cost of the services they receive, which would require accurate accounting and use of the provider's bank account, safe, etc. This is offset by the consumers' contributions themselves, which the provider may use as income to offer more of the same services. Please review the business impact analysis for additional information.

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

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- 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