

## **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? 8/11/2025**

**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.3030c-2; 2 C.F.R. 200.1, 200.3, 200.307, 45 C.F.R. 1321.9**

**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 standards for voluntary contributions, cost sharing, and other program income received for services provided, in whole or in part, with Older

Americans Act funds. It also exists to establish Ohio's option to implement cost-sharing requirements under 42 USC 3030c-2(a), which includes a sliding-fee scale.

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

This rule establishes standards for voluntary contributions, cost sharing, and other program income received for services provided, in whole or in part, with Older Americans Act funds. It also establishes Ohio's option to implement cost-sharing requirements under 42 USC 3030c-2(a), which includes a sliding-fee scale.

ODA proposes to amend this rule to achieve the following:

1. No longer refer to 45 CFR 1321.67, since the US Dept. of Health and Human Services (HHS) rescinded the applicable requirements that were once in that rule.
2. Replace "consumer" with "service recipient" throughout this rule since a service recipient can be a consumer or a consumer's caregiver.
3. Implement HHS's new standards for voluntary contributions, cost sharing, and other program income into this rule. Those standards are found in 2 CFR 200.1, 2 CFR 200.307, 45 CFR 1321.3, 45 CFR 1321.9(c)(2)(x), 45 CFR 1321.9(c)(2)(xi), and 45 CFR 1321.9(c)(2)(xii).

**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 affect the biennial budget that the Ohio General Assembly established for ODA 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 detailed information, please review the business impact analysis (BIA), especially to ODA's replies to BIA questions #15 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 detailed information, please review 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? Yes**

For detailed information, please review the BIA.

**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