

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-38-01

**Rule Type:** Amendment

**Rule Title/Tagline:** Assisted living program (medicaid-funded component): introduction and definitions.

**Agency Name:** Department of Aging

**Division:**

**Address:** 246 N. High St. 1st floor Columbus OH 43215-2046

**Contact:** Tom Simmons **Phone:** 614-728-2548

**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?** 11/23/2021
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, 173.54
5. **What statute(s) does the rule implement or amplify?** 173.54, 42 C.F.R 441.352
6. **What are the reasons for proposing the rule?**

This rule exists to introduce Chapter 173-38 of the Administrative Code and to defines terms used in that chapter.

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

This rule introduces Chapter 173-38 of the Administrative Code and defines terms used in that chapter.

ODA proposes to amend this rule to achieve the following:

1. Remove the word "written" because it implies a requirement for an outdated mode of communication and because the requirement to be in writing is found in rule 5160-44-02 of the Administrative Code and does not need to be repeated in this rule.
2. Comply with LSC's Rule Drafting Manual in the reference to Chapter 173-38 of the Administrative Code.
3. Remove multiple occurrences of "waiver" and and single use of "home and community-based" used as adjectives for "program," because section 173.54 of the Revised Code simply uses "assisted living program" and "medicaid-funded component of the assisted living program."
4. Replace "the community transition service" with "community transition," since "community transition" is the name of the service in rule 173-39-02.17 of the Administrative Code.

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 ODA's proposed amendments to this rule will not affect 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?**

Adopting ODA's proposed amendments will create no cost of compliance to any directly-affected person or organization.

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? No**

17. **Does this rule have an adverse impact on business? No**

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? No**

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