

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-39-02.13

**Rule Type:** Rescission

**Rule Title/Tagline:** Non-emergency medical transportation service.

**Agency Name:** Department of Aging

**Division:**

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

**Contact:** Tom Simmons

**Email:** tsimmons@age.ohio.gov **Phone:** 614-728-2548

#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 10/23/2018
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?** 173.01, 173.02, 173.391, 173.52, 173.522
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.52, 173.522; 42 C.F.R. 441.352
6. **What are the reasons for proposing the rule?**

This rule is part of a larger rule project in which ODA proposes to rescind, then replace, its 3 transportation rules (173-3-06.6, 173-39-02.21, and 173-39-02.18) with 3 new rules that contain reductions to the adverse impact upon providers. For more information, please review the BIA.

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

This rule contains (1) basic requirements for providing trips, such as back-up plans and providing assistance, (2) vehicle maintenance and inspections, (3) drivers' qualifications, and (4) trip verification. For differences between this rule and the new rule ODA proposes to adopt in its place, please review the BIA or the RSFA for the new rule.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**  
This rule references ODA forms published on ODA's website. ODA provides URLs for this website to show where the reader may find it free of charge.
10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

On October 24, 2018, ODA made a revised filing of this rule to upload a copy of the rule into ERF that had no strikeouts.

## II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

The rescission of this rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA in HB49 (132nd G.A.).

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

This cost of compliance with this rule is itemized in ODA's response to question 14b of the BIA.

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

**III. Common Sense Initiative (CSI) Questions**

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. 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

This rule requires back-up plans, vehicle maintenance, vehicle inspections, drivers' requirements before hiring (cf., ORC §§ 4766.14 and 4766.15), drivers' requirements for passenger-assistance training, and trip verification. For more information, please review the BIA.