

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-4-01

Rule Type: Amendment

Rule Title/Tagline: Older Americans Act nutrition program: introduction and definitions.

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?** 8/26/2021
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, 1321.17
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.392; 42 U.S.C. 3025, 3030e, 3030f, 3030g-21; 45 C.F.R. 1321.11, 1321.17
6. **What are the reasons for proposing the rule?**

Section 173.392 of the Revised Code requires ODA to establish requirements to include in, or exclude from, AAA-provider agreements (i.e., contracts) that are paid, in whole or in part, with Older Americans Act funds. The rules in Chapter 173-4 of the Administrative Code establish such requirements for the Older Americans Act Nutrition Program.

ODA proposes to amend this rule.

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

Rule 173-4-01 of the Administrative Code introduces Chapter 173-4 of the Administrative Code and defines terms used in that chapter that are not defined in rule 173-3-01 of the Administrative Code. ODA proposes to amend the rule to do the following:

1. Replace occurrences of "Chapter 173-4 of the Administrative Code" with "this chapter" to comply with the Legislative Service Commission's Rule Drafting Manual.
2. Define "Dietary Guidelines for Americans."
3. Replace the reference to "Title III, part C of the Older Americans Act of 1965, 79 Stat. 219, 42 U.S.C. 3001, as amended by the Older Americans Reauthorization Act of 2016" with "42 U.S.C. 3030d-21 to 3030g-23 (2020)."

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. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

One definition refers to the Dietary Guidelines for Americans, which any person may access free of charge at any time on <https://www.dietaryguidelines.gov/>. Another definition refers to the United States Code, which any person may access free of charge on <http://uscode.house.gov/search/criteria.shtml>.

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 have no effect 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?

Rule 173-4-01 of the Administrative Code introduces Chapter 173-4 of the Administrative Code and defines terms used in that chapter that are not defined in rule 173-3-01 of the Administrative Code. It does not create any costs to any directly-affected persons.

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