

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-51-02

Rule Type: New

Rule Title/Tagline: Assisted living program (state-funded component): eligibility requirements.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** 173.01, 173.02, 173.543
5. **What statute(s) does the rule implement or amplify?** 173.543
6. **What are the reasons for proposing the rule?**

This rule filing is part of 2 packages of rules ODA is filing on the same day. The rules in these packages regard eligibility and enrollment in the state- and Medicaid-funded components of the Assisted Living and PASSPORT Programs, the unified waiting list, and PACE. ODA is making many updates to these rules, but all are non-substantive.

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

This proposed new rule will establish the eligibility requirements for the state-funded component of the Assisted Living Program.

Compared to the current rule, which ODA simultaneously proposes to rescind, this proposed new rule incorporates the following differences:

(1) The proposed new rule uses updated terminology including using "requirements" not "criteria," "requirement" not "criterion," "RCF" not "residential care facility," "timely" not "expeditiously," "ODA or its designee" not ODA (or ODA's designee)," "ODM's administrative agency" not "CDJFS," and "all...eligibility requirements" not "the...eligibility criteria." Additionally, ODA proposes to delete unnecessary use of "who," "has," and "that."

(2) The proposed new rule uses updated references to ODM rules.

(3) The proposed new rule uses ODM's new "PETI" terminology.

(4) The proposed new rule uses "shall" in place of "may" in paragraph (C) of this rule. The meaning of the paragraph will remain the same.

(5) The proposed new rule clarifies that an individual must live in "a certified living unit" in paragraph (A)(4)(c) of this rule.

None of the proposed differences between the proposed new rule and the current rule are substantive.

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 mentions forms which rule 173-51-01 of the Administrative Code incorporates by reference for the entire chapter. Please review the RSFA for that rule.

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

On August 16, 2018, ODA made a revising filing of this rule to upload a revised public hearing notice and to revise this RSFA.

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

After this rule filing takes effect, ODA estimates there will be no increase/decrease in revenue from what the Ohio General Assembly appropriated to ODA for the biennium in Am. Sub. H. B. 49 (132nd G.A.), especially because ODA proposes to adopt this new rule to replace a substantially-similar rule which ODA simultaneously proposes to rescind.

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

ODA estimates this rule has no cost of compliance for any directly-affected person. It merely lists the eligibility requirements for the state-funded component of the PASSPORT Program. It does not require any person to take any action.

- 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? No**

- 16. 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