

Rule Summary and Fiscal Analysis (Part A)**Department of Aging**

Agency Name

Division

Tom Simmons

Contact

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173-6-06

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Records that identify cardholders.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB468**General Assembly: **126**Sponsor: **Hagan**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.02, 173.06, 173.62**

5. Statute(s) the rule, as filed, amplifies or implements: **173.06, 173.62**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

ODA has reviewed rule 173-6-06 of the Administrative Code in accordance with Sub. H. B. No. 473 (121st G. A.) and section 119.032 of the Revised Code, which require a state agency to review each rule every five years to determine whether to continue without change, to amend, or to rescind a rule. Additionally, in accordance with Am. Sub. H. B. No. 468 (126th G. A.), ODA needs to delete the language in this rule that concerns a prescription discount program. If the resultant rule would have been filed as a proposed amended rule, over fifty per cent of the language would have been amended language. Therefore, in accordance with the "fifty per

cent guideline" in the Fourth Edition of the LSC Rule Drafting Manual (May, 2006), ODA will proceed by filing this proposed new rule to replace rule 173-6-06 of the Administrative Code.

A draft of this proposed new rule was posted on the ODA web site for a public comment period on April 11, 2007. Because ODA received no objections to the draft posted for public comment, ODA is now filing this proposed new rules with JCARR.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This proposed new rule would:

- [1] Declare that ODA may maintain records of information obtained from cardholders;
- [2] Declare that ODA may make mailings to cardholders;
- [3] Declare that, at the discretion of the director, ODA may provide the names and addresses of cardholders to other governmental agencies and certain non-profit entities that are approved by ODA for the purpose of informing cardholders of programs or information sponsored or supported by those governmental agencies or non-profit entities;
- [4] Declare that ODA may produce a provider directory in partnership with a for-profit company;
- [5] Declare that any governmental agency or non-profit entity receiving names and addresses of cardholders may not use or maintain the information for any purpose other than that for which it was intended by ODA;
- [6] Declare that the records that identify cardholders are not public records that are subject to inspection or copying in accordance with section 149.43 of the Revised Code;
- [7] Declare that ODA may not disclose any records that identify cardholders except at the discretion of the director; and,
- [8] Declare that ODA may not disclose any medical information concerning a cardholder.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is

generally available to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

ODA anticipates that this proposed new rule will have no impact upon the budget of ODA established by the Ohio General Assembly.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

GRF-490-405 Golden Buckeye Card

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Because this proposed new rule simply declares what information ODA may and may not release for the purposes of informing individuals of programs and participating providers, ODA anticipates that there will be no cost of compliance with this rule to to any individuals or entitites.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**