



Department of
Aging

Ted Strickland, Governor
Barbara E. Riley, Director

NOTICE

ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendment rules regarding **The Golden Buckeye Card Program**, regulated by Chapter 173-6 of the Administrative Code, as required by section 119.03 of the Revised Code. ODA will conduct the hearing on **February 8, 2011** in Conference Room **10A** of the Department's offices at 50 W. Broad Street, **10th** floor; Columbus, OH 43215. The hearing will begin at **10:30AM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

INTRODUCTION

ODA is seeking comments for proposed amendments to the rules of Chapter 173-6 of the Administrative Code. In doing so, ODA has 2 basic goals:

1. To comply with section 119.032 of the Revised Code, which requires each state agency to review each rule on or before the rule's designated review date. As part of this review, ODA intends to improve the rules with "clean up" changes that do not change the program's policy. Specifically, ODA intends to:
 - a. Only refer to the business who participates in the program by offering a discount to cardholders as a "vendor," not a "provider." This includes replacing the definition of "provider" with a definition for "vendor."
 - b. Only refer to the recipient of the program as "individual" or "cardholder," not "consumer."
 - c. Replace references to an individual with a permanent and total disability to references to an individual who is a person with a disability. This includes replacing the definition for "disability" with a definition for "person with a disability." This ensures that there is no variation between the terminology used by section 173.06 of the Revised Code and Chapter 173-6 of the Administrative Code. The Revised Code says such a person "has some impairment of body or mind and has been certified as permanently and totally disabled by an agency of this state or the United States having the function of so classifying persons."
 - d. Consistently refer to the Golden Buckeye Program in the rules and only mention the Golden Buckeye Card when specifically referring to a card issued as part of the Golden Buckeye Program.
 - e. Replace references to "ODA or to the administrator designated by ODA" with "ODA (or ODA's administrator)."
 - f. Replace the word "may" with "shall" when prohibiting an action because "shall not" clearly expresses that the prohibition is not subject to the cardholder's desires (*i.e.*, a permissive prohibition).
 - g. Replace occurrences of "web site" with "website."
 - h. When referring to enrolling on a website in the enrollment-process rules, start with this statement: "If ODA (or ODA's administrator) begins to accept online applications and the individual qualifies to apply online according to the terms listed on ODA's (or the administrator's) website..."
 - i. List the prior effective dates at the end of each in the same manner as that of other ODA rules: with

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the full year (e.g., "1980" not "80"); separated rule by commas, not semicolons; etc.

- j. Only state in the "Rule amplifies" section at the end of each rule that the rule amplifies section 173.06 of the Revised Code, except at the end of rule 173-6-06 of the Administrative Code, because that rule also amplifies section 173.061 of the Revised Code.

2. To propose language that complies with the Legislative Service Commission's "Rule Drafting Manual" as found on http://www.lsc.state.oh.us/rules/rdm06_06.pdf and that incorporates the recommendations of "Advanced Legal Drafting" by Bryan A. Garner (Dallas: LawProse, Inc. © 2007). As part of this review, ODA intends to improve the rules with "clean up" changes that do not change the program's policy. Specifically, ODA intends to make changes such as:

- a. Replacing passive-voice language with active-voice language.
- b. Deleting unnecessary words (*i.e.*, verbosity).
- c. Adding sub-headings to the two enrollment-process rules.
- d. Replacing occurrences of the word "once" with the more-definite word "after."
- e. Replacing occurrences of the words "within one week of receiving it from the individual" with the more-definite words "in less than one week after it receives the individual's application."
- f. Reducing occurrences of double spacing throughout the rule to single spacing.

ODA conducted a public-comment period on its website for the proposed rules for the 2 above reasons plus the following 2 reasons that ODA stated in the draft copy of the public hearing notice that it also published on its website: (1) to improve the program for vendors and (2) to improve the program for cardholders. The comment period began on November 24, 2010 and ended on December 22, 2010 (although ODA extended the comment period by leaving the rules on ODA's website until January 6, 2011). Zero people commented on the proposed amended rules during the comment period, meaning no person suggested how to improve the program for vendors or cardholders.

173-6-01 Introduction and definitions.

This rule introduces Chapter 173-6 of the Administrative Code and defines terms used in this chapter. In addition to the goals stated in the introduction, in the rule ODA is arranging the definitions to maintain alphabetical order.

173-6-02 Eligibility criteria.

This rule lists the eligibility criteria for an individual (not a vendor) to participate in the Golden Buckeye Card program. In addition to the goals stated in the introduction, in the rule ODA is proposing to replace the rule's title "Eligibility" with "Eligibility criteria," which is the name ODA assigns to other ODA rules that present eligibility criteria.

173-6-03 Enrollment process for those sixty years of age or older.

This rule lists the process for enrolling into the Golden Buckeye Card program for those who are sixty years of age or older. ODA is not proposing any changes other than those mentioned in the introduction.

173-6-04 Enrollment process for those eighteen to fifty-nine years of age.

This rule lists the process for enrolling into the Golden Buckeye Card program for persons with a disability who are between eighteen and fifty-nine years of age. ODA is not proposing any changes other than those mentioned in the introduction.

173-6-05 Vendor participation.

This rule lists criteria for a business or government organization to become a vendor who participates in the Golden

Buckeye Card program. ODA is not proposing any changes other than those mentioned in the introduction.

173-6-06 Records that identify cardholders.

This rule details what information the Golden Buckeye Card program may maintain to identify cardholders. In addition to the goals stated in the introduction, ODA is proposing to replace the rule's title "Records that identify cardholders" with "records," which better defines the topic of the rule because the rule regulates vendors' records as well as cardholder's records.

Any person may direct written comments or requests for information concerning the proposed actions to Tom Simmons at the Department on or before the date of the hearing by writing to tsimmons@age.state.oh.us.