

**Department of
Aging**

John Kasich, Governor
Bonnie Kantor-Burman, Director

NOTICE

H.B. No. 153's amendments to section 173.40 of the Revised Code codifies ODA's authority to create the state-funded component of the PASSPORT Program and requires ODA to adopt rules to implement the program, including a rule on that establishes the three categories of eligibility criteria. The amendments also change the nomenclature for the same program. The effective date of H.B. No. 153's amendments is July 1, 2011. ODA must now amend Chapter 173-40 of the Administrative Code to bring the rules into compliance with the new statute. ODA's proposes to adopt the amendments to the chapter on September 29, 2011.

H.B. No. 153 authorizes ODA to file the rules of this chapter according to section 111.15, not section 119.03, of the Revised Code. Filing proposed new rules under section 111.15 of the Revised Code does not require ODA to conduct a public hearing. Nevertheless, ODA will conduct a public hearing to obtain comments concerning ODA's proposed amendments to Chapter 173-40 of the Administrative Code. ODA will conduct the hearing on **August 15, 2011** in Conference Rooms **10A & 10B** of ODA's offices at 50 W. Broad Street, **10th floor**; Columbus, OH 43215. The hearing will begin at **1:30PM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

ODA will consolidate this public hearing with at least seven other public hearings on August 15, 2011 to reduce the state's administrative expenses and to reduce the general public's costs associated with traveling to Columbus to participate in public hearings.

Any person may direct written comments or requests for information concerning the rule proposals to Tom Simmons, ODA's rules manager, by writing to rules@age.state.oh.us.

INTRODUCTION

ODA is proposing to ODA is proposing to amend Chapter 173-40 of the Administrative Code. In doing so, ODA has 3 basic goals:

1. To incorporate H.B. No. 153's amendments to section 173.40 of the Revised Code into Chapter 173-40 of the Administrative Code. H.B. No. 153's amendments to section 173.40 of the Revised Code codifies ODA's authority to create the state-funded component of the PASSPORT Program and requires ODA to adopt rules to implement the program, including a rule on that establishes the three categories of eligibility criteria. The amendments also change the nomenclature for the same program. The effective date of H.B. No. 153's amendments is July 1, 2011. ODA must now amend Chapter 173-40 of the Administrative Code to bring the rules into compliance with the new statute. ODA's proposes to adopt the amendments to the chapter on September 29, 2011.
2. 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.

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3. To comply with Governor Kasich's Executive Order 2011-01K "Implementing Common Sense Business Regulation" and S.B. No. 2 (129th G.A.) which require each state agency to eliminate unnecessary regulations and to write easier-to-read and easier-to-comprehend rules to promote transparency in the agency's regulations.

ODA is also proposing to amend this chapter after providing interested parties and the general public an opportunity to provide input on the proposed amendments to the chapter. From June 30, 2011 to July 11, 2011, ODA posted the proposed amended rule on <http://aging.ohio.gov/information/rules/proposed.aspx> for a public-comment period.