



Department of  
Aging

**John Kasich**, Governor  
**Bonnie Kantor-Burman**, Director

## NOTICE

In 2011, H. B. No. 153 (129<sup>th</sup> General Assembly) established the maximum period of eligibility for the **State-Funded Component of the PASSPORT Program** as three months, which could be a period of time as short as 89 days (*e.g.*, February, March, and April) or as long as 92 days (*e.g.*, May, June, and July).

Recently, H. B. No. 487 (129<sup>th</sup> General Assembly) amended section 173.40 of the Revised Code to replace “three months” with “ninety days.” Once the amendment takes effect, it will establish equitable eligibility periods for all consumers of the program.

To implement H. B. No. 487’s amendment to section 173.40 of the Revised Code, ODA is now proposing to amend rules 173-40-02 and 173-40-03 of the Administrative Code to replace occurrences of “three months” with “ninety days.” ODA proposes to adopt the amendments on the same day that H. B. No. 487’s amendment takes effect.

Section 173.40 of the Revised Code authorizes ODA to file the proposed amended rules according to section 111.15, not section 119.03, of the Revised Code. Filing proposed amended rules under section 111.15 of the Revised Code does not require ODA to conduct a public hearing. Nevertheless, ODA conducted a public hearing on July 16, 2012 at which no one raised an objection to the proposed amendments to the rule. After the hearing, on July 16, 2012 and again on July 27, 2012, ODA revised/refiled the rule to make changes highlighted in item #11 on the rule summaries and fiscal analyses. Therefore, ODA will voluntarily conduct an **additional public hearing** to obtain comments concerning ODA’s proposed amendments to rules 173-40-02 and 173-40-03 the Administrative Code. ODA will conduct the hearing on **July 30, 2012** at 50 W. Broad Street, 10th floor; **Conference Room 10A**; Columbus, OH 43215. The hearing will begin at **3:00PM** 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 another public hearing on the same day 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, on or before the date of the hearing by writing to [rules@age.state.oh.us](mailto:rules@age.state.oh.us).

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