



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Tom Simmons, Ohio Department of Aging

FROM: Jacob Ritzenthaler, Business Advocate

DATE: October 5, 2021

RE: **CSI Review – Golden Buckeye Program (OAC 173-6-02, 173-6-03, 173-6-04, 173-6-05, 173-6-06, 173-6-07, and 173-6-08)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) office under Ohio Revised Code (ORC) section 107.54, the CSI office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of six amended rules and one no change rule proposed by the Ohio Department of Aging (Department). This rule package was submitted to the CSI Office on August 24, 2021, and the public comment period was held open through September 6, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on August 24, 2021.

Ohio Administrative Code (OAC) Chapter 173-6 establishes requirements for the Golden Buckeye Program, which allows businesses to supply information about current services, information, and promotions for individuals participating in the program. OAC 173-6-02 establishes eligibility requirements for participants and is proposed without changes. OAC 173-6-03 and 173-6-04 concern enrolling in the program and are amended to state that the Department may automatically enroll any eligible Ohio resident and to include online enrollment as an option for residents who were not automatically enrolled. OAC 173-6-05 lists business participation requirements and is amended to update the website where the application can be completed and allow for electronic cancellation or information revision. OAC 173-6-06 states that the Department may use business

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participation in the program to create a business directory and is amended to change the website where the directory is located. OAC 173-6-07 allows the Department to retain cardholder records for the purpose of informing participants of relevant information or services. Amendments to the rule include language revisions to specify that contact information may be released. OAC 173-6-08 allows the Department to outsource administrative duties and is amended to replace “ODA’s administrator” with “entity.” Many of these changes were made as a result of research conducted for the CSI regulatory reform project using an artificial intelligence software tool.

During early stakeholder outreach, the Department sent the rules to industry stakeholders for feedback, including service providers and health care associations. No comments were received during that time or during the CSI public comment period.

The rules impact about 20,000 businesses that participate in the Golden Buckeye Program. Businesses must complete an online business participation agreement and agree to the cost of offering the discount or benefit to cardholders. The time required to complete the online agreement is minimal, estimated by the Department to be less than five minutes, and the costs of the discount or benefit offered varies as the offer is determined by the business. The Department noted that business participation in the Golden Buckeye Program is voluntary and stated that a business may be able to generate more revenue and customer loyalty through participation in the program.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.