

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

Agency Name

Division

**Tom Simmons**

Contact

**50 West Broad Street 9th floor Columbus OH  
43215-3363**

Agency Mailing Address (Plus Zip)

**614-728-2548**

Phone

Fax

**173-40-04**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Eligibility for PASSPORT loss of medicaid eligibility home care status.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **111.15**

4. Statute(s) authorizing agency to adopt the rule: **173.02, uncodified section 213.20 of Am. Sub. H. B. No. 119 (127th G. A.)**

5. Statute(s) the rule, as filed, amplifies or implements: **Uncodified section 213.20 of Am. Sub. H. B. No. 119 (127th G. A.)**

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

Pursuant to section 119.032 of the Revised Code, ODA is reviewing the rules of Chapter 173-40 of the Administrative Code because every agency is required to review each of its rules at least once every five years.

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 amended rule addresses an issue . All amendments, but one, are non-substantial and do not change the intent or function of the program. One amendment, however, reduces the number of days that an individual may receive PASSPORT home care services while on loss-of-Medicaid-eligibility status from ninety days to sixty days, with exception.

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:

On October 17, 2007, ODA revise-filed this rule in order to make numerous non-substantial language of the rule that did not change the function or intent of the rule, but, instead, provided clarity. ODA also took this opportunity to improve the quality of the RSFA.

12. 119.032 Rule Review Date: **10/16/2007**

(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 the proposed adoption of this new rule will have no impact upon the biennial budget established for ODA by the Ohio General Assembly.

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

GRF-490-403 PASSPORT.

4U9-490-602 PASSPORT Fund.

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:

ODA estimates that there is no cost of compliance to directly affected persons associated with the proposed amendment to this rule, unless that person is unable to receive the temporary PASSPORT home care services offered to those on loss-of-Medicaid-eligibility status after sixty, but less than ninety days, since the proposed amended rule reduces the number of days that this temporary service will be provided from ninety days to sixty days. Such a person would need to provide comparable home care at their own expense or the expense of another program, such as the programs funded through the Older Americans Act; or, such a person would need to consider other options, such as a nursing facility.

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**