

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

## AGENCY MEMORANDUM OF RESPONSE

To: Mark Hamlin, Director of Regulatory Policy, CSI Office, Lt. Governor's Office  
Paula Steele, Regulatory Policy Advocate, CSI Office, Lt. Governor's Office

From: Tom Simmons, Policy Manager and Regulatory Ombudsman

Re: Adult Day Services

Date: June 5, 2013 (Revised on July 10, 2013)

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Thank you for reviewing ODA's proposed rescission of rules 173-3-06.1 and 173-39-02.1 of the Administrative Code, and the proposed adoption of new rules 173-3-06.1 and 173-39-02.1 of the Administrative Code.

Because your office did not make any recommendations concerning the rule package, ODA will now proceed with filing the above mentioned rule proposals with JCARR.

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On June 21, 2013, ODA revise-filed the rules above to add to explain in the RSFAs how the federal laws that ODA incorporated into the rules and cited in the rules are readily available to the public. ODA updated the RSFA with this information.

The revisions regarded the practice of rule filing and not changes to the rules themselves. As such, the revisions should not alter the adverse impact described in the BIA that the Common-Sense Initiative Office previously reviewed.

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On June 24, 2013, ODA revise-filed the rules above to upload a new public-hearing notice and new agency memorandum of response into the Register of Ohio. To resolve a scheduling conflict with another meeting, ODA rescheduled the hearing from July 9, 2013 at 1:00PM to July 11, 2013 at 11:00AM and needed to upload a new public-hearing notice to properly inform the public of this. At the same time, ODA corrected the "Re:" line of this memorandum which formerly said "Assisted Living and Community Transition Services,"

but now correctly says “Adult Day Services.” ODA also updated the RSFA with this information.

The revisions regarded the practice of rule filing and not changes to the rules themselves. As such, the revisions should not alter the adverse impact described in the BIA that the Common-Sense Initiative Office previously reviewed.

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On June 25, 2013, ODA revise-filed the rules above to upload into the Register of Ohio a new public-hearing notice that listed the programs affected by the rule proposals and that no longer listed the previously-scheduled hearing date. ODA also uploaded a revised version of this memorandum that explains the revisions made on each date.

The revisions regarded the practice of rule filing and not changes to the rules themselves. As such, the revisions should not alter the adverse impact described in the BIA that the Common-Sense Initiative Office previously reviewed.

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On July 10, 2013, ODA revise-filed the new rules above to make numerous revisions to the wording of the rule. All of the revisions are listed in detail in items #11 on the RSFAs for new rules 173-3-06.1 and 173-39-02.1 of the Administrative Code. None of the revisions change the policy in the rule, just the choice of words that ODA uses to express the policy. Therefore, the revisions should not alter the adverse impact described in the BIA that the Common-Sense Initiative Office previously reviewed.

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