

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

**Agency Name:** OHIO DEPARTMENT OF AGING

**Package Title:** GOLDEN BUCKEYE PROGRAM

**Rule Number(s):** OAC Chapter 173-6

**Date:** September 29, 2016

**Rule Types:**

- 5-Year Review:** OAC Chapter 173-6
- Rescinded:** OAC Chapter 173-6 (6 rules)
- New:** OAC Chapter 173-6 (8 rules)
- Amended:** None
- No change:** None

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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**Regulatory Intent**

**1. Please briefly describe the regulations in plain language.**

***Please include the key provisions of the regulation as well as any proposed amendments.***

OAC Chapter 173-6 regulates the Golden Buckeye Program. For information on how ODA proposes to amend the rules, please review ODA's response to BIA question #5.

This rule project involves 14 rule filings: rescind 6 current rules + adopt 8 new rules. 2 of the new rules represent the two topics covered under the rule currently titled, "Records." The new topics are "electronic business directory" (OAC173-6-06) and "cardholder records" (OAC173-6-07). The rules proposed for rescission mention an administrator. However, the proposed new rules include a new rule (OAC173-6-08) addressing the topic. This is illustrated in the table below.

RULES FOR PROPOSED RESCISSION	PROPOSED NEW RULES
173-6-01 Introduction and definitions.	173-6-01 Golden buckeye program: introduction and definitions.
173-6-02 Eligibility criteria.	173-6-02 Golden buckeye program: eligibility requirements for persons.
173-6-03 Enrollment process for those sixty years of age or older.	173-6-03 Golden buckeye program: enrollment process for persons sixty years of age or older.
173-6-04 Enrollment process for those eighteen to fifty-nine years of age.	173-6-04 Golden buckeye program: enrollment process for those eighteen to fifty-nine years of age.
173-6-05 Vendor participation.	173-6-05 Golden buckeye program: business participation agreements.
173-3-06 Records.	173-6-06 Golden buckeye program: electronic business directory.
	173-6-07 Golden buckeye program: cardholder records.
	173-6-08 Golden buckeye program: ODA's administrator.

**2. Please list the Ohio statute authorizing the Agency to adopt these regulations.**

ORC §§ [173.01](#), [173.02](#), and [173.06](#).

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

***If yes, please briefly explain the source and substance of the federal requirement.***

No federal requirement regulates the program.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

ODA is not exceeding any federal requirements.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

**COMPLY WITH MANDATES:** The rule exists to comply with the state laws ODA listed in its response to BIA question #2, especially ORC §§ 173.06

**AMENDMENTS:** ODA's proposed new chapter of rules will contain the following amendments when compared to the rules ODA is simultaneously proposing to rescind:

- Replace language in OAC173-6-05 about paper applications for businesses and instead only mention the [web-based business participation agreements](#).
- Split the topics in the rule currently titled "Records" into 2 new rules:
  - A new rule (OAC173-6-06) requiring ODA to publish an online directory of participating businesses. (ODA already publishes this.)
  - A new rule (OAC173-6-07) covering the topic of cardholder records.
- In the new rule on cardholder records (OAC173-6-07), make reference to the regulations on handling confidential personal information in OAC Chapter 173-13.
- Adopt a new rule (OAC173-6-08) on delegating its administrative duties to a 3<sup>rd</sup>-party administrator.

**SYSTEMATIC TERMINOLOGY UPDATES:** ODA's proposed new chapter of rules contains non-substantive updates when compare to the rules ODA is simultaneously proposing to rescind. ODA proposes to make such updates as part of a strategy to systematically update the terminology in all ODA rules. The following are examples of the non-substantive updates proposed for this chapter:

- Begin each rule title with "Golden buckeye program." <sup>1</sup> This aids online searches for the rules.
- Refer to the program as the "golden buckeye program."<sup>2</sup>
- Use "requirements" not "criteria."<sup>3</sup>

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<sup>1</sup> The Ohio Legislative Service Commission does not presently allow state agencies to capitalize the letters in the names of programs unless a letter is the first word in a rule's title, the first word in a sentence, "Ohio," "United States," or an acronym.

<sup>2</sup> *Ibid.*

<sup>3</sup> This eliminates using "criterion" when using the singular.

- Use “business” not “vendor” or “provider.”
- Use “business participation agreement” not “application.”
- Use “person” to refer to a person unless the person has a Golden Buckeye Card. Then, use “cardholder” to refer to the person.
- Reorganize lists that are multi-paragraph sentences (*i.e.*, sentence fragments carried across multiple paragraphs) into numbered lists with periods at the end of each item.

### **6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

ODA (and its designees) will monitor the providers for compliance.

### **Development of the Regulation**

#### **7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

***If applicable, please include the date and medium by which the stakeholders were initially contacted.***

On September 22, 2016, ODA separately emailed the Wendy’s Government Relations & Corporate Affairs Office, the Ohio Council of Retail Merchants, and the Ohio Restaurant Association to ask for any suggestions for improving the rules or the program.

ODA’s email informed the stakeholders of the following planned improvements for the rules:

- Replace language in OAC173-6-05 about paper applications for businesses and instead only mention the [web-based business participation agreements](#).
- Adopt a new rule requiring ODA to publish an online directory of participating businesses. (ODA already publishes this.)
- Adopt a new rule on delegating its administrative duties to a 3<sup>rd</sup>-party administrator.
- Update terminology (*e.g.*, “business” not “vendor”).

ODA will conduct an online public-comment period to offer opportunities to comment on this BIA or the rules.

#### **8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

On September 26, 2016, the Ohio Restaurant Association said they were “supportive” of ODA’s planned improvements for the rules.

As of September 29, 2016, ODA had not received any feedback from other stakeholder and, thus, proceeded with the online public-comment period which would give stakeholders another opportunity to review the proposed new rule and make comments.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

ODA is not proposing to amend the rules based upon scientific data.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

ODA did not consider any alternative regulations.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

*Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

ODA did not consider performance-based regulations when considering whether to amend this rule.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

ORC§173.06 only authorizes ODA (*i.e.*, not any other state agency) to adopt rules for the Golden Buckeye Program.

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

Before the rules would take effect, ODA will post them on ODA's [website](#). ODA also sends an email to subscribers of our rule-notification service to feature the rules.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

All businesses who agree to participate in the program.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

- Completing the web-based business participation agreement—online only (*i.e.*, no paper, no stamps, no trip to the post office).
- The cost of offering the discount to cardholders as the business agreed to do in the business participation agreement.

**c. Quantify the expected adverse impact from the regulation.**

***The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.***

- ODA estimates it takes 5 minutes to complete the web-based business participation agreement.
- The cost of the benefit or discount is determined by the business when completing the business participation agreement. Some businesses offer free coffee to cardholders. Others offer 10% discounts. ODA does not determine the discount to be offered.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

Participating businesses may find the Golden Buckeye Program to be a win-win. Businesses may capitalize on the growing elder population in Ohio by offering discounts to those elders. In turn, the businesses may receive more loyalty from cardholders. Additionally, some discounts may encourage elders to purchase goods or services during times a business would be otherwise slow (*e.g.*, a restaurant discount for elders during brunch hours, discounted theater tickets for matinées).

Businesses participate in the Golden Buckeye Program on a voluntary basis. Businesses also establish their own benefits or discounts. Businesses may also discontinue their participation in the program at any time. Thus, businesses make their own risk assessments to determine if their participation in the program justifies the cost of completing the business participation agreement and honoring the benefit or discount they agreed to offer.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The rules treat all providers the same, regardless of their size.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

ORC§[119.14](#) establishes the exemption for small businesses from penalties for first-time paperwork violations.

**18. What resources are available to assist small businesses with compliance of the regulation?**

ODA does not offer different discriminate between responsible parties, applicants, or employees based upon the size of the business or organization.

ODA maintains an [online rules library](#) to assist all providers (and the general public) to find the rules that regulate them. Providers (and the general public) may access the online library 24 hours per day, 365 days per year.

ODA (and its designees) are available to help providers with their questions.

Additionally, any person may contact [Tom Simmons](#), ODA's policy development manager, with questions about the rules.

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TO BE RESCINDED

173-6-01                    **Introduction and definitions.**

(A) Introduction: This chapter establishes criteria for an individual or a provider to participate in the golden buckeye program. The program serves as a gateway to:

- (1) Current information on services available from the aging network to support older Ohioans and their families;
- (2) Timely information on the issues and changing needs for older Ohioans; and,
- (3) Tangible savings and consumer benefits targeted for older Ohioans and Ohioans who are persons with a disability.

(B) Definitions for this chapter:

- (1) "Cardholder" means any individual who possesses a golden buckeye card.
- (2) "Director" means the director of ODA.
- (3) "Golden buckeye program" means the program authorized under section 173.06 of the Revised Code.
- (4) "ODA" means "the Ohio department of aging."
- (5) "Person with a disability" has the same meaning as in section 173.06 of the Revised Code which defines the term as "a person who has some impairment of body or mind and has been certified as permanently and totally disabled by an agency of this state or the United States having the function of so classifying persons."
- (6) "Sign-up site" means an ODA-approved location where an individual may apply for a golden buckeye card. Many senior centers, libraries, and other locations are ODA-approved sign-up sites.
- (7) "Vendor" means any of the following:
  - (a) A recognized professional (e.g., an optician, a painter) who provides a

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benefit or discount to cardholders regarding services that he or she offers.

- (b) A business entity (e.g., merchant, store, retail sales operation) that provides a benefit or discount to cardholders regarding consumer goods and services that it sells.
- (c) A governmental entity (e.g., a public pool) that provides a benefit or discount to cardholders regarding goods or services that it provides.

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TO BE RESCINDED

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Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.02, 173.06  
Rule Amplifies: 173.06, 173.061  
Prior Effective Dates: 01/12/2001, 09/12/2002 (Emer.), 12/11/2002,  
05/08/2003 (Emer.), 08/08/2003, 07/01/2007,  
05/07/2009, 03/24/2011

\*\*\* DRAFT - NOT YET FILED \*\*\*

173-6-01

**Golden buckeye program: introduction and definitions.**

(A) Introduction: This chapter establishes requirements for a person or a vendor to participate in the golden buckeye program. The program serves as a gateway to the following:

- (1) Current information on services available from the aging network to support older Ohioans and their families.
- (2) Timely information on the issues and changing needs for older Ohioans.
- (3) Benefits or discounts targeted for older Ohioans and Ohioans who are persons with a disability.

(B) Definitions for this chapter:

"Application" means form ODA00023 (rev. 05/2016).

"Business" means any of the following: a recognized professional (e.g., an optician, a painter) providing a benefit or discount to cardholders regarding services he or she offers; a retail store or retail food operation providing a benefit or discount to cardholders regarding consumer goods and services it sells; or a governmental entity (e.g., state park, a public pool) providing a benefit or discount to cardholders regarding goods or services it provides.

"Cardholder" means any person who possesses a golden buckeye card.

"Director" means the director of ODA.

"Golden buckeye program" means the program authorized under section 173.06 of the Revised Code.

"ODA" means "the Ohio department of aging."

"Person with a disability" has the same meaning as in section 173.06 of the Revised Code.

"Sign-up site" means an ODA-approved location where a person may apply for a golden buckeye card. Many senior centers, libraries, and other locations are ODA-approved sign-up sites.

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Replaces: 173-6-01

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.06  
Rule Amplifies: 173.06, 173.061  
Prior Effective Dates: 01/12/2001, 09/12/2002 (Emer.), 12/11/2002,  
05/08/2003 (Emer.), 08/08/2003, 07/01/2007,  
05/07/2009, 03/24/2011

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173-6-02

**Eligibility criteria.**

Any individual who meets one of the following sets of criteria is eligible for a golden buckeye card:

- (A) The individual is a resident of Ohio who is sixty years of age or older; or,
- (B) The individual is a resident of Ohio who is between eighteen and fifty-nine years of age and is a person with a disability.

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Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.02, 173.06  
Rule Amplifies: 173.06  
Prior Effective Dates: 07/03/1980, 12/30/1995, 01/12/2001, 09/12/2002  
(Emer.), 12/11/2002, 07/01/2007, 03/24/2011

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173-6-02

**Golden buckeye program: eligibility requirements for persons.**

Any person who meets one of the following sets of requirements is eligible for a golden buckeye card:

(A) The person is a resident of Ohio who is sixty years of age or older.

(B) The person is a resident of Ohio who is between eighteen and fifty-nine years of age and is a person with a disability.

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Replaces: 173-6-02

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.06  
Rule Amplifies: 173.06  
Prior Effective Dates: 07/03/1980, 12/30/1995, 01/12/2001, 09/12/2002  
(Emer.), 12/11/2002, 07/01/2007, 03/24/2011

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173-6-03

**Enrollment process for those sixty years of age or older.**

(A) Automatic enrollment: If the bureau of motor vehicles informs ODA (or ODA's administrator) that an Ohio resident is sixty years of age or older, ODA (or ODA's administrator) may automatically enroll the individual into the golden buckeye program.

(B) Manual enrollment:

(1) If ODA (or ODA's administrator) did not automatically enroll an Ohio resident who is sixty years of age or older, the individual may apply for the golden buckeye program.

(a) If the individual chooses to apply through a sign-up site, the individual shall:

(i) Complete the application;

(ii) Sign the application; and,

(iii) Take the completed application along with verification of age (e.g., driver's license, state identification card, birth certificate) to a sign-up site for processing.

(b) If the individual chooses to apply by mail or by fax, the individual shall:

(i) Complete the application;

(ii) Sign the application;

(iii) Make a photo copy of a card or document that verifies that the individual is sixty years of age or older (e.g., photo copy of a driver's license, photo copy of a state identification card, photo copy of a birth certificate); and,

(iv) Mail or fax the application and the photo copy required by paragraph (B)(1)(b)(iii) of this rule to ODA (or ODA's administrator) by mailing these documents to the address listed on

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the application or by faxing these documents to the fax number listed on the application.

- (c) If ODA (or ODA's administrator) begins to accept online applications and the individual qualifies to apply online according to the terms listed on ODA's (or the administrator's) website, the individual shall:
  - (i) Complete the electronic application that ODA (or ODA's administrator) provides on its website; and,
  - (ii) Check the box that says "I agree" that is located on the electronic application one line of text below the following statement: "I declare that the information provided on this application is truthful."
- (2) After a sign-up site receives the individual's application, it shall:
  - (a) Verify that the individual completed and signed the application;
  - (b) Verify that the individual is sixty years of age or older by documenting the source of information (e.g., driver's license number, state identification card number) on the application;
  - (c) Write the name of the sign-up site on the application;
  - (d) Write the initials of the staff person at the sign-up site who processed the application on the application;
  - (e) If the sign-up site determines that the individual is eligible for the golden buckeye program, detach the temporary golden buckeye card atop the application form, then provide it to the individual; and,
  - (f) Fax or mail the completed application to ODA (or ODA's administrator) in less than one week after it receives the individual's application.
- (3) After ODA (or ODA's administrator) receives an application from a sign-up site or from an individual through the mail, by fax, or online, it shall:
  - (a) Verify the following:
    - (i) For a hard-copy application received from a sign-up site, verify that

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the sign-up site complied with paragraphs (B)(2)(a) to (B)(2)(d) of this rule;

(ii) For a hard-copy application received from an individual, verify that the individual complied with paragraph (B)(1)(b) of this rule; or,

(iii) For an electronic application, verify that the individual completed the application in compliance with paragraph (B)(1)(c) of this rule.

(b) Issue a golden buckeye card to an individual who is eligible.

(C) Signature:

(1) After an individual is issued a golden buckeye card, the individual shall sign the card. No card is valid until the cardholder signs it.

(2) After the individual signs his or her golden buckeye card, the card remains valid for the remaining life of the cardholder, unless ODA revokes the card due to a fraudulent application or fraudulent use of the card.

(D) Transferability: A cardholder shall not transfer a golden buckeye card to any other person.

(E) Replacement card: If a golden buckeye card is lost, stolen, or damaged, a cardholder who is sixty years of age or older may apply for a new card through one of the following means:

(1) A sign-up site, in accordance with paragraph (B)(1)(a) of this rule;

(2) By mail or by fax, in accordance with paragraph (B)(1)(b) of this rule; or,

(3) Online, in accordance with paragraph (B)(1)(c) of this rule.

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Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.02, 173.06  
Rule Amplifies: 173.06  
Prior Effective Dates: 07/03/1980, 12/30/1995, 01/12/2001, 09/12/2002  
(Emer.), 12/11/2002, 07/01/2007, 03/24/2011

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173-6-03

**Golden buckeye program: enrollment process for persons sixty years of age or older.**

(A) Automatic enrollment: if the bureau of motor vehicles informs ODA an Ohio resident is sixty years of age or older, ODA may automatically enroll the person into the golden buckeye program.

(B) Manual enrollment:

(1) If ODA did not automatically enroll an Ohio resident who is sixty years of age or older, and the person wants to enroll in the golden buckeye program, the person shall visit a sign-up site to apply in person. Sign-up sites include most Ohio senior centers and libraries.

(2) To apply, the person shall do the following:

(a) Obtain an application from a sign-up site.

(b) Return the signed, completed application to the sign-up site.

(c) Provide the sign-up site with documentation verifying the applicant is at least sixty years of age and a resident of Ohio (e.g., driver's license, state identification card).

(3) After a sign-up site receives an application, it shall do the following:

(a) The sign-up site shall verify the person completed and signed the application.

(b) The sign-up site shall verify the person is sixty years of age or older and a resident of Ohio by documenting the source of information (e.g., driver's license, state identification card).

(c) The sign-up site shall identify itself on the application.

(d) On the application, the sign-up site shall write the initials of the staff person at the sign-up site who processed the application.

(e) The sign-up site shall mail, email, or fax the completed application to the processing location listed on the application. The sign-up site shall do so in less than one week after it receives the application.

(4) After ODA receives an application from a sign-up site, it shall do the following:

(a) ODA shall verify the sign-up site complied with paragraph (B)(3) of this

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rule.

(b) ODA shall issue a golden buckeye card to the eligible person.

(5) Signature:

(a) After a person is issued a golden buckeye card, the cardholder shall sign the card. No card is valid until the cardholder signs it.

(b) After the cardholder signs his or her golden buckeye card, the card remains valid for the remaining life of the cardholder, unless ODA revokes the card due to a fraudulent application or fraudulent use of the card, or the program is discontinued.

(6) Transferability: A cardholder shall not transfer a golden buckeye card to any other person.

(7) Replacement card: If a golden buckeye card is lost, stolen, or damaged, a cardholder who is sixty years of age or older may contact ODA to request a replacement card.

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Replaces: 173-6-03

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.06  
Rule Amplifies: 173.06  
Prior Effective Dates: 07/03/1980, 12/30/1995, 01/12/2001, 09/12/2002  
(Emer.), 12/11/2002, 07/01/2007, 03/24/2011

\*\*\* DRAFT - NOT YET FILED \*\*\*

TO BE RESCINDED

173-6-04

**Enrollment process for those eighteen to fifty-nine years of age.**

(A) Enrollment:

(1) An Ohio resident who is eighteen to fifty-nine years of age who is a person with a disability may apply for a golden buckeye card.

(a) If the individual chooses to apply through a sign-up site, the individual shall:

(i) Complete the application;

(ii) Sign the application; and,

(iii) Take the completed application along with verification of age and verification that the individual is a person with a disability (e.g., medicare card, SSD/SSI acceptance letter, documentation from PERS, STRS, SERS, or another retirement system for public employees) to a sign-up site for processing.

(b) If an individual chooses to apply by mail or by fax, the individual shall:

(i) Complete the application;

(ii) Sign the application;

(iii) Make a photo copy of a document that verifies the age of the individual (e.g., photo copy of a driver's license, photo copy of a state identification card, photo copy of a birth certificate);

(iv) Make a photo copy of a card or document that verifies that the individual is a person with a disability (e.g., photo copy of a medicare card, photo copy of a SSD/SSI acceptance letter, photo copy of documentation from PERS, STRS, SERS, or another retirement system for public employees); and,

(v) Mail or fax the application and the photo copies required by paragraphs (A)(1)(b)(iii) and (A)(1)(b)(iv) of this rule to ODA (or

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ODA's administrator) by mailing these documents to the address listed on the application or by faxing these documents to the fax number listed on the application.

- (c) If ODA (or ODA's administrator) begins to accept online applications and the individual qualifies to apply online according to the terms listed on ODA's (or the administrator's) website, the individual shall:
  - (i) Complete the electronic application that ODA (or ODA's administrator) provides on its website;
  - (ii) Check the box that says "I agree" that is located on the electronic application one line of text below the following statement: "I declare that the information provided on this application is truthful."; and,
  - (iii) Provide ODA (or ODA's administrator) with a copy of a card or document that verifies that the individual is a person with a disability (e.g., medicare card, SSD/SSI acceptance letter, documentation from PERS, STRS, SERS, or another retirement system for public employees). An individual may provide this information by mail, by fax, or electronically. If an individual chooses to send the information electronically, the individual shall submit it in portable document format (.pdf) or another format that is readable by ODA (or ODA's administrator).
- (2) After a sign-up site receives an application from an individual who is eighteen to fifty-nine years of age who is a person with a disability, it shall:
  - (a) Verify that the application has been completed and signed;
  - (b) Verify that the individual is eighteen to fifty-nine years of age by documenting the source of information (e.g., driver's license number, state identification card number) on the application;
  - (c) Verify that the individual is a person with a disability by documenting the source of information (e.g., medicare card, SSD/SSI acceptance letter, documentation from PERS, STRS, SERS, or another retirement system for public employees) on the application;
  - (d) Write the name of the sign-up site on the application;

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- (e) Write the initials of the staff person at the sign-up site who processed the application on the application;
  - (f) If the sign-up site determines that the individual is eligible for a golden buckeye card, detach the temporary card atop the application form, then provide it to the individual; and,
  - (g) Fax or mail the completed application to ODA (or ODA's administrator) in less than one week of receiving it from the individual.
- (3) After ODA (or ODA's administrator) receives an application from a sign-up site or from an individual through the mail or by fax, it shall:
- (a) Verify the following:
    - (i) For an application received from a sign-up site, verify that the sign-up site complied with paragraphs (A)(2)(a) to (A)(2)(e) of this rule; or,
    - (ii) For an application received from an individual, verify that the individual complied with paragraph (A)(1)(b) of this rule.
  - (b) Issue a golden buckeye card to an individual who is eligible.
- (B) Signature:
- (1) After an individual is issued a golden buckeye card, the individual shall sign the card. No card is valid until the cardholder signs it.
  - (2) After the individual signs his or her golden buckeye card, the card remains valid for the remaining life of the cardholder, unless ODA revokes the card due to a fraudulent application or fraudulent use of the card.
- (C) Transferability: A cardholder shall not transfer a golden buckeye card to any other person.
- (D) Replacement card: If a golden buckeye card is lost, stolen, or damaged, a cardholder who is eighteen to fifty-nine years of age with a total and permanent disability may apply for a new card through one of the following means:

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- (1) A sign-up site, in accordance with paragraph (A)(1)(a) of this rule.
- (2) By mail or by fax, in accordance with paragraph (A)(1)(b) of this rule.

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173-6-04

TO BE RESCINDED

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Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.02, 173.06  
Rule Amplifies: 173.06  
Prior Effective Dates: 07/03/1980, 12/30/1995, 01/12/2001, 09/12/2002,  
(Emer.), 12/11/2002, 07/01/2007, 03/24/2011

\*\*\* DRAFT - NOT YET FILED \*\*\*

173-6-04

**Golden buckeye program: enrollment process for persons eighteen to fifty-nine years of age.**

(A) Enrollment:

- (1) If an Ohio resident who is eighteen to fifty-nine years of age who is also a person with a permanent and total disability chooses to apply for the golden buckeye program, the person shall visit a sign-up site to apply in person. Sign-up sites include most Ohio senior centers and libraries.
- (2) To apply, the person shall do all of the following:
  - (a) Obtain an application from a sign-up site.
  - (b) Return the signed, completed application to the sign-up site.
  - (c) Provide the sign-up site with documentation verifying the person is eighteen to fifty-nine years of age.'
  - (d) Provide the sign-up site with documentation verifying the person is a person with a disability (e.g., declaration of total disability from the bureau of workers' compensation or another state agency with authority to declare disabilities, medicare card, or acceptance letter from the social security administration or a public pension program).
- (3) After a sign-up site receives an application from a person who is eighteen to fifty-nine years of age who is a person with a disability, it shall do the following:
  - (a) The sign-up site shall verify the application has been completed and signed.
  - (b) The sign-up site shall verify the person is eighteen to fifty-nine years of age by documenting the source of information (e.g., driver's license, state identification card) on the application.
  - (c) The sign-up site shall verify the person is a person with a disability by documenting the source of information (e.g., declaration of total disability from the bureau of workers' compensation or another state agency with authority to declare disabilities, medicare card, or acceptance letter from the social security administration or a public pension program) on the application.
  - (d) The sign-up site shall identify itself on the application.

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(e) On the application, the sign-up site shall write the initials of the staff person at the site who processed the application.

(f) The sign-up site shall mail, email, or fax the signed, completed application to the processing location identified on the application less than one week after it receives the application.

(4) After ODA receives the application from a sign-up site, it shall do the following:

(a) Verify the sign-up site complied with paragraph (A)(3) of this rule.

(b) Issue a golden buckeye card to the eligible person.

(B) Signature:

(1) After ODA issues a golden buckeye card to a person, the cardholder shall sign the card. No card is valid until the cardholder signs it.

(2) After the cardholder signs his or her golden buckeye card, the card remains valid for the remaining life of the cardholder, unless ODA revokes the card due to a fraudulent application or fraudulent use of the card, or the program is discontinued.

(C) Transferability: A cardholder shall not transfer a golden buckeye card to any other person.

(D) Replacement card: If a golden buckeye card is lost, stolen, or damaged, a cardholder who is eighteen to fifty-nine years who is also a person with a permanent and total disability may contact ODA for a replacement card.

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173-6-04

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Replaces: 173-6-04

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.06  
Rule Amplifies: 173.06  
Prior Effective Dates: 07/03/1980, 12/30/1995, 01/12/2001, 09/12/2002,  
(Emer.), 12/11/2002, 07/01/2007, 03/24/2011

\*\*\* DRAFT - NOT YET FILED \*\*\*

TO BE RESCINDED

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**Vendor participation.**

(A) Any vendor wishing to participate in the golden buckeye program shall do the following:

(1) The vendor shall complete a hard-copy application or an electronic application found on ODA's website (or ODA's administrator). The vendor shall include the following information on the application:

(a) The vendor's business name and mailing address (including county);

(b) The vendor's telephone number, fax number, e-mail address, and internet web address (if any);

(c) A general description of the goods or services the vendor will furnish to cardholders;

(d) The benefit or amount of the discount the vendor will offer to cardholders;

(e) A list of any restrictions the vendor wishes to place on the use of the card by cardholders, so long as those restrictions do not violate the agreement in paragraph (B) of this rule;

(f) Any other information ODA requires; and,

(g) An acknowledgement that the vendor agrees to the terms of the golden buckeye program that are listed in paragraph (B) of this rule. The vendor may acknowledge by:

(i) Signing a hard-copy application below the line of text below a statement that says the vendor agrees to the terms of the golden buckeye program; or,

(ii) Checking a box that says "I agree" that is located on the electronic application one line of text below a statement that says the vendor agrees to the terms of the golden buckeye program.

(2) If a vendor intends to offer benefits or discounts at multiple sites, the vendor

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shall include the information required by paragraph (A)(1) of this rule for each site by either submitting a hard-copy or electronic spreadsheet that lists each site with the application or by submitting a separate application for each site.

- (3) The vendor shall submit the completed application to ODA (or ODA's administrator) by mailing the application to the address listed on the application, by faxing it to the fax number listed on the application, or by electronic submission.
- (B) These are the terms to which a vendor shall agree when the vendor agrees to participate in the golden buckeye program:
- (1) The vendor's participation in the program is voluntary and in good faith;
  - (2) The vendor shall honor the use of the golden buckeye card by all cardholders;
  - (3) The vendor may not change the regular price of its good or services before providing a benefit or discount to cardholders;
  - (4) The vendor shall offer a tangible benefit or discount to cardholders that is not available to customers who are not cardholders;
  - (5) The vendor's decision to honor the golden buckeye card does not imply or constitute ODA's endorsement of the vendor's goods or services. Although the vendor may use the golden buckeye card's logos and other images in its place of business and in advertisements, the vendor may not use the logos and other images in a manner that implies or constitutes ODA's endorsement of the vendor's goods or services; and,
  - (6) Any other business-specific requirements ODA determines are necessary.
- (C) After ODA (or ODA's administrator) receives an application from a vendor, it shall determine if the vendor may participate in the golden buckeye program. If ODA agrees to allow the vendor to participate in the program, ODA shall also determine the vendor's effective date for participating in the program.
- (D) A vendor may revise any information submitted to ODA (or ODA's administrator) by contacting ODA (or the administrator).
- (E) A vendor may cancel its participation in the golden buckeye program at any time and

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for any reason by filing a cancellation to ODA or to an administrator designated by ODA in writing or electronically (through the web site of ODA and/or an administrator designated by ODA).

(F) ODA may cancel the a vendor's participation in the golden buckeye program at any time and for any reason. In such a case, ODA shall make the vendor aware of the cancellation by mailing a written notice to the vendor.

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Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.02, 173.06  
Rule Amplifies: 173.06  
Prior Effective Dates: 07/03/1980, 12/30/1995, 01/12/2001, 09/12/2002  
(Emer.), 12/11/2002, 07/01/2007, 03/24/2011

\*\*\* DRAFT - NOT YET FILED \*\*\*

173-6-05

**Golden buckeye program: business participation agreements.**

(A) To begin participating in the golden buckeye program, a business shall complete a business participation agreement ("agreement") on [www.goldenbuckeye.com](http://www.goldenbuckeye.com). and click "submit" to submit the completed agreement to ODA.

(1) To complete the agreement, the business shall provide all the following information: business contact information, indication of whether the business has parking for a person with a disability, forms of payment the business accepts, general business classification (e.g., pet store), benefit or discount to be offered to cardholders, exclusions and limitations, and acknowledgment of the following statements:

"I, the undersigned, on behalf of the above named business, voluntarily enter into this good faith agreement with the Ohio Department of Aging (the department) to honor the Golden Buckeye card (the card) for products and services provided to eligible Ohioans (those age 60 or older and those 18 and older who have total and permanent disabilities). We agree to make no change in the regular price for goods and services before honoring the card."

"We understand that acceptance in the program does not imply an endorsement of our business by the department or Golden Buckeye Program (the program) of our products or services and we will not use Golden Buckeye logos and names to imply such an endorsement."

"We understand that our participation in the program is effective upon approval of this agreement by the department. We also acknowledge that this agreement remains in effect unless canceled in writing by us or by the department and that violation of the above terms may result in automatic removal from the program."

(2) If a business with multiple locations intends to offer uniform benefits or discounts at each location, the business shall complete one agreement to represent all locations.

(3) If a business with multiple locations does not intend to offer uniform benefits or discounts at each location, the business shall complete a separate agreement for each location.

(B) After a business submits an agreement, ODA shall determine if the business may participate in the golden buckeye program. If ODA agrees to allow the business to participate in the program, ODA shall also determine the business's effective date for participating in the program.

(C) A business may revise any information submitted to ODA by submitting a revised

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agreement.

(D) A business may cancel its participation in the golden buckeye program at any time and for any reason by sending a cancellation to ODA by writing, telephone, or [www.goldenbuckeye.com](http://www.goldenbuckeye.com).

(E) ODA may cancel a business's participation in the golden buckeye program at any time and for any lawful reason. In such a case, ODA shall make the business aware of the cancellation by mailing a written notice to the business.

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173-6-05

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Replaces: 173-6-05

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.06  
Rule Amplifies: 173.06  
Prior Effective Dates: 07/03/1980, 12/30/1995, 01/12/2001, 09/12/2002  
(Emer.), 12/11/2002, 07/01/2007, 03/24/2011

\*\*\* DRAFT - NOT YET FILED \*\*\*

TO BE RESCINDED

173-6-06

**Records.**

Topics appear in proposed new OAC173-6-07.

- (A) ODA may retain records obtained from cardholders.
- (B) ODA may use the names and addresses in the records to send a mailing to cardholders for the purpose of informing them about the programs of ODA, other governmental agencies, or certain non-profit entities who are approved by ODA.
- (C) At the discretion of the director, ODA may provide names and addresses from the records to other governmental agencies and certain non-profit entities that are approved by ODA for the purpose of informing cardholders of programs or information sponsored or supported by those governmental agencies or non-profit entities. Any governmental agency or non-profit entity receiving such information may not use or maintain the information for any purpose other than that for which it was intended by ODA.

(D) ODA may produce a vendor directory of all vendors or industry-specific vendors in partnership with a for-profit entity that is willing to pay all, or to offset a major portion, of the expense of producing such a directory.

Topic appears in proposed new OAC173-6-06.

- (1) ODA may use the names and addresses in the records to mail such a directory to cardholders.
- (2) At the discretion of the director, ODA may provide names and addresses from the records to a for-profit entity that produces such a directory. Any for-profit entity receiving such information shall not use or retain the information for any purpose other than that for which it was intended by ODA.

(E) Information in the records that identifies any or all cardholders is not a public record that is subject to inspection or copying in accordance with section 149.43 of the Revised Code, and ODA shall only disclose the information at the director's discretion. The director shall only disclose information in the records that does not contain the medical history of a cardholder.

Topic appears in proposed new OAC173-6-07.

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173-6-06

TO BE RESCINDED

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Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.02, 173.06  
Rule Amplifies: 173.06, 176.061  
Prior Effective Dates: 09/12/2002 (Emer.), 12/11/2002, 07/01/2007,  
03/24/2011

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\*\*\* DRAFT - NOT YET FILED \*\*\*

173-6-06

**Golden buckeye program: electronic business directory.**

ODA may use the information obtained from business participation agreements to produce an electronic business directory on [www.goldenbuckeye.com](http://www.goldenbuckeye.com).

Topic transferred from the current version of OAC173-6-06.

New

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173-6-06

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Replaces: 173-6-06

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.06  
Rule Amplifies: 173.06, 173.061  
Prior Effective Dates: 09/12/2002 (Emer.), 12/11/2002, 07/01/2007,  
03/24/2011

\*\*\* DRAFT - NOT YET FILED \*\*\*

173-6-07

**Golden buckeye program: cardholder records.**

(A) ODA may retain cardholder records.

(B) A cardholder record is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

(C) ODA may use the names and addresses in cardholder records to send mailings to cardholders for the purpose of informing them about the programs of ODA, other governmental agencies, or certain non-profit entities who are approved by ODA, unless restricted from doing so by Chapter 173-13 of the Administrative Code or any statute or rule identified in rule 173-13-04 of the Administrative Code.

(D) ODA's director (or the director's designee) may release names and addresses from cardholder records to other governmental agencies and non-profit organizations to inform cardholders of programs or information sponsored or supported by those governmental agencies or non-profit organizations, unless restricted from doing so by Chapter 173-13 of the Administrative Code or any statute or rule identified in rule 173-13-04 of the Administrative Code. Any governmental agency or non-profit organization receiving cardholder records shall only use cardholder records to inform cardholders of the programs or services of the governmental agency or non-profit organization.

(E) ODA shall only release information in cardholder records not containing a cardholder's medical history.

New

New

New

Topics transferred from the current version of OAC173-6-06.

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173-6-07

2

Replaces: 173-6-06

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.2, 176.06  
Rule Amplifies: 173.06, 173.061  
Prior Effective Dates: 173-6-06: 09/12/2002 (Emer.), 12/11/2002,  
07/01/2007, 03/24/2011

GOLDEN BUCKEYE PROGRAM  
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\*\*\* DRAFT - NOT YET FILED \*\*\*

173-6-08

**Golden buckeye program: ODA's administrator.**

ODA may enter into an agreement with an entity to perform one or more administrative duties this chapter requires ODA to complete. If ODA enters into an agreement, in the agreement, ODA shall indicate which of ODA's administrative duties the ODA's administrator shall perform.

New

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ONLINE PUBLIC-COMMENT PERIOD

173-6-08

2

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.06  
Rule Amplifies: 173.06