

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-07

Rule Type: Amendment

Rule Title/Tagline: Professional development curricula.

Agency Name: Department of Aging

Division:

Address: 30 E Broad St. 22nd Floor Columbus OH 43215-3414

Contact: Tom Simmons **Phone:** 614-202-7971

Email: tsimmons@age.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/16/2023
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 33 - 135 - Edwards
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 121.07, 173.01, 173.02, 173.21; 42 U.S.C. 3025, 3058g; 45 C.F.R. 1321.11, 1324.11, 1324.13, 1324.15
5. **What statute(s) does the rule implement or amplify?** 173.21; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1324.11, 1423.13, 1324.15
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule exists to establish the topics to cover under professional development.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule establishes the topics to cover under professional development.

ODA proposes to amend this rule to achieve the following:

1. Remove an unnecessary use of the regulatory-restriction word "shall" from this rule to comply with R.C. §121.951.
2. Replace "forty" in paragraph (B)(1) of this rule with "thirty-six" to correspond to proposed amendments to rule 173-14-04 of the Administrative Code. (cf. House Bill 33 (135th G.A.))
3. Use "reporting activities" in paragraph (A)(5) of this rule to replace "documentation of activities" in the same paragraph and "reporting" in paragraph (A)(6)(c) of this rule.
4. Delete "complaint investigation and resolution" in paragraph (A)(6)(e) of this rule because it duplicates "complaint handling" in paragraph (A)(3)(c) of this rule.
5. Separate the topics for ombudsman specialists and ombudsman program directors so that all requirements for ombudsman specialists appear under paragraph (B) of this rule and all requirements for ombudsman program directors appear under paragraph (C) of this rule.
6. Make additional non-substantive improvements to this rule.

9. Does the rule incorporate material by reference? No

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Amending this rule will not affect the biennial budget that the Ohio General Assembly established for the ombudsman program in House Bill 33 (135th G.A.).

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule establishes the topics for a candidate for certification to cover.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? No**

- 18. Does this rule have an adverse impact on business? No**

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

This rule does not regulate any Ohio business.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 4

(A) The professional development curriculum for all candidates seeking certification as ombudsman associates SHALL include instruction in all the following areas:

(B)(1) The professional development content for the initial forty clock hours of professional development required of all candidates for certification as ombudsman specialist or ombudsman program director SHALL include the following:

(B)(2) The sixty additional clock hours of professional development required under paragraph (A)(2)(a) of rule 173-14-04 of the Administrative Code SHALL include the following:

(C) In addition to the professional development required by paragraph (B) of this rule, the professional development content for all candidates seeking certification as an ombudsman program director SHALL include how to administer the program, including the following:

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable