

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-07

Rule Type: New

Rule Title/Tagline: Professional development curricula.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 49 - 132 - Smith
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 1324.13(b)(1), 1324.11(e), 3058g(a)(5)(D); 45 C.F.R. 1321.11, 173.21; 42 U.S.C. 3025(a)(1)(C), 173.02, 173.01, (k)(4), 1324.15(b)
5. **What statute(s) does the rule implement or amplify?** 173.21; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, (k)(4), 1324.15(c), 1324.13(c)(2), 1324.11(e)
6. **What are the reasons for proposing the rule?**

ODA and the SLTCO (we) adopted OAC Chapter 173-14 (this chapter) to establish and operate a state long-term care ombudsman program as required by ORC§173.01; 42 USC 3027, 3058g; and 45 CFR 1321.11 and Part 1324. We also adopted this chapter

to carry out the provisions of ORC Chapter 173 pertaining to ombudsman programs as required by ORC§173.02.

As part of this chapter, we propose to adopt this rule to establish the required curriculum for candidates' professional development.

We reviewed every rule in this chapter top to bottom, as ORC§106.03 requires us to do no less often than once every 5 years. In doing so, we considered any necessary amendments to implement the following new laws:

(1) Effective February 11, 2015, the U.S. Dept. of Health and Human Services, Administration on Aging (AoA) and Administration for Community Living (ACL) jointly adopted 45 CFR Part 1321 to regulate long-term care ombudsman programs. AoA and ACL subsequently amended their rules and renumbered them as 45 CFR Part 1324.

(2) Effective April 19, 2016, the Older Americans Act Reauthorization Act of 2016 amended §§ 711 (42 USC3058f), 712 (42 USC3058g), and other sections of the Older Americans Act of 1965.

(3) Effective September 29, 2017, Am. Sub. House Bill No. 49 (132nd G.A.) amended ORC §§ 173.14, 173.15, 173.17, 173.19, 173.20, 173.21, 173.22, and 173.24.

We now propose to adopt this new rule to replace the current rule, which we are simultaneously proposing to rescind.

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

This proposed new rule will establishe the required curriculum for candidates' professional development.

Compared to the current rule this new rule will replace, the new rule contains our "amendments" to achieve the following:

(1) Remove the organization and operations of providers from the required topics to cover in an overview of the long-term care system.

(2) Replace "the aging process and attitudes on aging" as a required topic for an overview of the long-term care system with "aging and disability."

(3) Replace aging networks as a required topic for an overview of the long-term care system with aging "and disability" networks.

(4) Replace a required overview on "complaint resolution skills with an emphasis on advocacy, negotiation, empowering consumers, and follow-up activities" with "complaint-resolution skills and follow-up activities, with an emphasis on advocacy, negotiating, and empowering consumers."

(5) Replace "ombudsman ethics and alternative decision-making" as required topic for the initial 40 hours of professional development with "consumer decision-making principles."

(6) Add systems advocacy and Ohio ethics law to the list of topics required for the 60 additional hours of professional development.

(7) Add to the professional development for ombudsman program directors a requirement to cover, not "management skills," but "management of core ombudsman services and data"; not "fund raising," but "fiscal management."

(8) Remove the following topics from the required professional development for ombudsman program directors: administering the program, budget development, and use of ombudsman data as a management tool.

(9) Delete the paragraph permitting regional programs to request permission from the SLTCO to cover substitute curricula.

(10) Make improvements to the rule's word choice, organization, and punctuation.

8. Does the rule incorporate material by reference? No

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. 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

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

We estimate this proposed new rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA in HB49, especially because it will replace a similar rule we are simultaneously proposing to rescind.

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

We estimate that the adoption of this new rule will create no cost of compliance to any directly-affected person, especially because it will replace a similar rule we are simultaneously proposing to rescind.

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

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? No**
- 16. 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**

OAC Chapter 173-14 regulates the state long-term care ombudsman program and regional programs. It does not regulate any Ohio business.

- 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