

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

173-14-16

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Complaint handling protocol.**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: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.02**

5. Statute(s) the rule, as filed, amplifies or implements: **173.15, 173.19, 173.20, 173.22**

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

The Department of Aging is proposing this amended rule pursuant to Sub. H.B. 473 of the 121st General Assembly (R.C. 119.032), which requires state agencies to review each of their rules every five years and determine whether to continue without change, amend, or rescind them.

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:

The proposed amended rule outlines the complaint-handling protocol for representatives of the State Long-Term Care Ombudsman. Many of the changes reorganize and clarify elements of complaint intake, investigation, resolution, follow-up, and resolution. The complaint intake process was amended to alert complainants using e-mail that electronic communication may be used to transmit information about the case and to include client empowerment as a resolution strategy offered to callers. The amended rule revises the complaint resolution process to describe the creation of an action plan more fully. The Department also clarified language regarding the case closure process and added language requiring a representative to inform the client that, whenever a case is closed, the ombudsman activity will cease.

Some language regarding when an ombudsman may decline a case was deleted because it is addressed more fully elsewhere in the same rule. Likewise, language regarding conflict of interest due to former employment by a provider was deleted because it is addressed in rule 173-14-15 of the Administrative Code, which is entitled "Conflicts of interest." Language regarding complaints against a service provider under the same sponsoring agency as the ombudsman program was removed to reflect that the distinct programmatic arrangements and funding streams eliminate the conflict of interest.

The amended rule expands the language regarding the confidentiality to protect advocacy and general information records and records handled by non-representative staff and volunteers. The Department also added language and clarified existing language to ensure that consent is granted by clients or complainants before a person's identity is revealed.

Also, minor clarifications were made that do not change the meaning, the function, or the intent of the rule.

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:

This rule was revised by amending the first paragraph of the rule to include language summarizing the complaint-handling functions of the Office. The language was taken from wording found in Section 712(a)(3)(A) of the Older Americans Act, as amended in 2006.

12. 119.032 Rule Review Date: **10/6/2006**

(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

The Department of Aging does not anticipate any increase nor decrease in expenditures appropriated to the Department in the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure

necessitated by the proposed rule:

GRF-490-410, 322-490-618, 3M4-490-612, 4C4-490-609, and 5BA-490-620.

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:

It is difficult to estimate the cost of compliance for each regional ombudsman program due to geographical differences in demand and long-term care issues. However, federal and state funds are allocated using formulas that take regional differences into consideration (e.g., percentage of long-term care beds in the service area, population age 75 and over, and square mileage of the service area). The amended rule clarifies practices regarding conflicts of interest and does not impose any new requirements on regional programs. The Department of Aging anticipates that there will be no new costs of compliance resulting from amended language.

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**