

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-19

Rule Type: New

Rule Title/Tagline: Case records and reporting of core services.

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 9 - 134 - McColley, Roegner
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, 173.19; 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? 173.19, 173.20; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1324.11, 1324.19
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 proposed new rule will exist to establish standards for: (1) case records and reporting ombudsman activity in ODIS, (2) records retention of (1), and (3) access to (1).

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

This proposed new rule will establish standards for (1) case records and reporting ombudsman activity in ODIS, (2) records retention of (1), and (3) access to (1).

Because ODA's proposed amendments to the current version of this rule would amend approximately 50% of that rule, ODA proposes to adopt this new rule to replace the current rule in compliance with §4.3.1 of the Legislative Service Commission's Rule Drafting Manual. ODA's proposed new rule will achieve the following in comparison to the rule that it will replace:

1. Reduce the unnecessary use of the regulatory-restriction word "shall" in this rule to comply with R.C. §121.951.
2. Organize the reporting requirements [paragraphs (A), (B), and (D) of the current rule] under paragraph (A) of this rule.
3. Organize the requirement to retain records for 3 years [paragraph (C) in the current rule] as paragraph (B) in this rule.
4. Organize the paragraphs on access to case records [paragraphs (E) and (F) of the current rule] under paragraph (C) of this rule.
5. Delete the use and definition of "contemporaneously" in paragraph (A)(3) of this rule [(D) in the current rule], since the paragraph establishes a 6-day deadline.
6. Extend the deadlines in paragraphs (C)(4) and (C)(5) of this rule [(F)(2) and (F)(3) in the current rule] from "one business day" to "three business days."
7. Simplify the paragraph on consumer consent in paragraph (C)(7) of this rule [(F)(5) in the current rule] to a reference to rule 173-14-16 of the Administrative Code.
8. Replace "shall" in paragraph (C)(8) of this rule [(F)(6) in the current rule] with "may," because it is more appropriate for a rule to permit, rather than require, an action that the rule describes as "as needed."

9. Make additional non-substantive improvements to this rule, including replacing the passive voice with the active voice to comply with §5.8.6 of the Rule Drafting Manual.

- 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

Adopting this proposed new 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 proposed new rule will regulate only the ombudsman program itself. It will not create a cost of compliance to any person or organization outside of the ombudsman program.

- 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 proposed new rule will 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? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable