

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-22

Rule Type: Rescission

Rule Title/Tagline: Initial designation of regional long-term care ombudsman programs: standards.

Agency Name: Department of Aging

Division:

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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?** SB 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, 173.16; 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?** 173.16; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1324.11
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 qualifications for a sponsoring agency to become a regional long-term care ombudsman program.

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

This rule establishes the qualifications for a sponsoring agency to become a regional long-term care ombudsman program.

ODA proposes to rescind this rule and to simultaneously adopt a new rule in its place. Please review the RSFA for the proposed new rule for details on differences between the proposed new rule and 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

Rescinding 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 qualifications for a sponsoring agency to become a regional long-term care 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 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? 14

1. (A) No sponsoring agency SHALL serve as a regional long-term care ombudsman program unless....
2. (B) ...no sponsoring agency SHALL be fully designated as a regional program unless....
3. (B)(1) The sponsoring agency SHALL be a tax-exempt organization.
4. (B)(2) The sponsoring agency SHALL have a governing board....
5. (B)(2) A majority of the members on the sponsoring agency's governing board SHALL NOT have a conflict of interest.
6. (B)(3) No sponsoring agency, nor any member of its administrative staff that has responsibilities related to the ombudsman program, SHALL hold an unremedied conflict of interest.
7. (B)(4) The sponsoring agency SHALL retain the type of staff required under rule 173-14-14 of the Administrative Code.
8. (B)(5) The sponsoring agency SHALL maintain an incoming toll-free telephone line dedicated to the regional ombudsman program to be answered during normal business hours by a representative of the office.
9. (B)(6) The sponsoring agency SHALL have the capacity to develop policies and procedures that conform to all federal and state statutes, regulations, and policies.
10. (B)(6) Within six months of designation, the sponsoring agency SHALL provide all such regional program policies and procedures to the SLTCO.
11. (B)(6) The SLTCO SHALL review for approval all regional program policies and procedures.
12. (B)(6) The sponsoring agency SHALL make all the following regional program policies and procedures available to all representatives in the regional program:

13. (B)(6)(f) Participation in the regulatory agencies' survey and certification processes, including performance within the federal regulations; balancing program priorities; and specifying when to attend an exit conference; a statement of the information the ombudsman gives to the survey team; specifying that representatives with a noted conflict of interest MAY NOT participate in the certification process of that provider.

14. (B)(7) The sponsoring agency SHALL maintain nonprofit directors and officers liability insurance.

- 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