

**Rule Summary and Fiscal Analysis (Part A)****Department of Aging**

Agency Name

Division

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**173-14-24**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Program review for continued designation.****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? **Yes**

Bill Number: **HB1**General Assembly: **128**Sponsor: **Sykes**

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, 173.16**

5. Statute(s) the rule, as filed, amplifies or implements: **173.16, 173.18**

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

ODA is proposing to amend the rule so that the state long-term care ombudsman (SLTCO) may designate an entity as a regional long-term care ombudsman (RLTCO) program for a period of up to three years, which, in turn, allows for fewer reviews of the RLTCO programs. Currently, the rule only allows the SLTCO to designate an entity as a RLTCO program for a period of one year. ODA is also proposing to amend the rule so that the SLTCO has twenty days to notify the RLTCO and the area agency on aging (AAA) of the results of a program review. Currently, the rule requires the SLTCO to notify the RLTCO and AAA no more

than fifteen days after the completion of a review.

Am. Sub. H. B. No. 1 reduced the funding for ODA's ombudsman programs from the previous biennium. This has led a reduction in staff, but not a reduction in the level of responsibilities. The changes proposed in this amended rule allow the staff of the Office of the SLTCO to focus their efforts on other ombudsman activities (e.g., investigations of incidents) by allowing them to conduct up to two-thirds fewer program reviews of the RLTCO programs and by providing them with a greater number of days to notify a RLTCO and AAA of the results of each program review.

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:

ODA is proposing to amend this rule to:

1. Change all references to the SLTCO's annual review of the RLTCO programs to references to references to the SLTCO's "regular program review" or "program review" of the RLTCO programs.
2. Require the SLTCO to conduct a program review of a RLTCO program no less frequently than every three years instead of once per year.
3. Delete "During the on-site visit" in paragraph (B)(3) of the rule.
4. Replace "screenings" in paragraph (B)(3) of the rule with "screening forms."
5. Add a new comma in paragraph (B)(4) of the rule.
6. Allow the SLTCO, in paragraph (D)(1) of the rule, twenty days after the completion of a program review, not fifteen days after the completion of a program review, to notify the RLTCO and AAA of the results of the program review.

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:

*Not Applicable.*

12. 119.032 Rule Review Date: **9/28/2009**

(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 decrease expenditures.

\$0.00

ODA anticipates that the adoption of this proposed amended rule will have no impact upon the budget established for ODA by the Ohio General Assembly.

Am. Sub. H. B. No. 1 reduced the funding for ODA's ombudsman programs from the previous biennium. This has led a reduction in staff, but not a reduction in the level of responsibilities. Therefore, by adopting this proposed amended rule, ODA will prevent spending beyond what the General Assembly appropriated in Am. Sub. H. B. No. 1 by allowing the staff of the Office of the State Long-Term Ombudsman on core ombudsman duties (e.g., investigations of incidents) by allowing for less-frequent program reviews and by providing the Office of the State Long-Term Care Ombudsman with a greater number of days to notify the regional long-term care ombudsman office and the local area agency on aging of the results of a program review.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

GRF-490-410 Long-Term Care Ombudsman

3220-490-618 Federal Aging Grants

3M40-490-612 Federal Independence

4C40-490-609 Regional Long-Term Care Ombudsman Program

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:

ODA estimates that there will be no cost of compliance to any directly-affected person as a result of the adoption of this proposed amended rule. In fact, any entity designated as a regional long-term care ombudsman that undergoes a program review less frequently than once per year is likely to see a savings, not a new cost.

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**