

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-26

Rule Type: Amendment

Rule Title/Tagline: Changes in a regional program's designation status; notice rights; and hearing requirements.

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, 173.18; 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 standards for changing a regional long-term ombudsman program's designation status.

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

This rule establishes the standards for changing a regional long-term ombudsman program's designation status.

ODA proposes to amend this rule to achieve the following:

1. Remove the unnecessary use of the regulatory-restriction word "shall" from this rule to comply with R.C. §121.951.
2. Delete the word "conform" from paragraph (A)(1) of this rule.
3. Delete the reference to area agencies on aging from paragraph (E) of this rule.
4. 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

Amending 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 regulates only the ombudsman program itself. It does 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 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? 10

1. (B) The notice SHALL contain...

2. (B) ...and SHALL explain...

3. (B) ...that failure to implement the requirements of the notice SHALL lead to a withdrawal of designation.

4. (B) The appeal SHALL be conducted according to Chapter 119. of the Revised Code.

5. (D) This notice SHALL contain....

6. (H) ...the SLTCO SHALL follow....

7. (I) The notice SHALL be given by registered mail with a return receipt...

8. (I) ...and SHALL include all of the following:

9. (J) The date set for the hearing SHALL be within....

10. (J) The SLTCO SHALL conduct all appeal hearings according to Chapter 119. of the Revised Code.

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