

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-43-03

Rule Type: New

Rule Title/Tagline: Long-term care consultation program: required consultations and exemptions.

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?** 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, 173.42
5. **What statute(s) does the rule implement or amplify?** 173.42; 42 U.S.C. 3002, 3012, 3025, 3032
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?**

ODA proposes to adopt this new rule to implement divisions (I) and (L)(4) of R.C. §173.42 by delineating when the program administrator is required, or not required, to provide a consultation to an individual.

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

This proposed new rule will implement divisions (I) and (L)(4) of R.C. §173.42 by delineating when the program administrator is required, or not required, to provide a consultation to an individual.

ODA proposes to adopt this proposed new rule to replace the current rule, which ODA simultaneously proposes to rescind to achieve the following:

1. Remove unnecessary regulatory restrictions from this rule to comply with Senate Bill 9 (134th G.A.).
2. No longer repeat in paragraph (A) of this rule that a program administrator may provide a consultation by telephone, video conference, or in person since that topic is already covered in rule 173-43-02 of the Administrative Code.
3. No longer state that the source of payment is not a factor in paragraph (A)(1) of this rule since the topic is covered in paragraph (C) of this rule.
4. Remove outdated text on a "time-limited convalescent exemption" from paragraph (A)(2) of this rule.
5. Replace "a convalescent exemption from the pre-admission screening and resident review defined in rule 5122 21 03 or 5123-14-01" in paragraph (B)(9) of this rule with "a categorical determination or hospital discharge exemption defined in rule 5160-3-15."
6. Combine the list of exemptions under paragraphs (C) of this rule to the list of exemptions under paragraph (B) of this rule.
7. Replace "ninety" with "thirty" in paragraph (C)(1) [proposed to be (B)(7)] of this rule to align with the 30-day hospital discharge exemption in rule 5160-3-15.1 of the Administrative Code.

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

Not Applicable

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

There is no cost of compliance to any person or entity associated with ODA's proposal to replace the current rule with this proposed new substantially-similar rule. Please review the BIA for more information.

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? Yes

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**
- 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