

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-43-05

**Rule Type:** Amendment

**Rule Title/Tagline:** Long-term care consultation program: staff certification.

**Agency Name:** Department of Aging

**Division:**

**Address:** 246 N. High St. 1st floor Columbus OH 43215-2046

**Contact:** Tom Simmons **Phone:** 614-728-2548

**Email:** tsimmons@age.ohio.gov

#### **I. Rule Summary**

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 10/16/2020
2. **Is this rule the result of recent legislation?** No
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, 173.422
5. **What statute(s) does the rule implement or amplify?** 173.42, 173.422; 42 U.S.C. 3002, 3012, 3025, 3032
6. **What are the reasons for proposing the rule?**

ODA is reviewing this rule as part of a review of every rule in Chapter 174-43 of the Administrative Code with a special focus on social distancing.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Section 173.422 of the Revised Code requires ODA to adopt rules to establish requirements for certifying a person to provide consultations through the Long-Term Care Consultation Program. This rule establishes those requirements.

ODA proposes to amend this rule to delete "an in-person" from paragraph (A)(3) of the rule to make it clear that consultants have flexibility to provide the program's consultations by telephone, video conference, or in person.

8. Does the rule incorporate material by reference? No
9. 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*

10. 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**

11. 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

ODA's proposed amendment of this rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

There is no cost of compliance associated with ODA's proposed amendment of this rule.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. 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**

**16. Was this rule filed with the Common Sense Initiative Office? Yes**

**17. 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**

Section 173.422 of the Revised Code requires ODA to adopt rules to establish requirements for certifying a person to provide consultations through the Long-Term Care Consultation Program. This rule implements those requirements. Neither the statute or this rule requires certification to operate a line of business that provides consultations. The certification only pertains to providing consultations through the Long-Term Care Consultation Program.

**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 only regulates ODA and its program administrator. It 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. 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?**

Not Applicable

**B. How many existing regulatory restrictions do you propose removing?**

Not Applicable