

## Rule Summary and Fiscal Analysis

### Part A - General Questions

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

**Rule Type:** New

**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

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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 160 - 134 - O'Brien
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. **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 R.C. §173.422 by establishing the qualifications for ODA's certification to provide consultations.

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

This rule implements R.C. §173.422 by establishing the qualifications for ODA's certification to provide consultations.

ODA proposes to rescind the current version of this rule and to adopt a proposed new rule of the same number in its place to achieve the following:

1. Implement Senate Bill 160 (134th G.A.) by requiring certified consultants to have training on the availability of health care or financial benefits through the U.S. Dept. of Veterans' Affairs and training on referring individuals to a congressionally-chartered veterans service organization or the county veterans service office.

2. Implement Senate Bill 3 (134th G.A.) by indicating that, beginning on January 1, 2023, "registered nurse" also includes a registered nurse with a "multistate license" from another state with "multistate licensure privilege," as those terms are defined in section 4723.11 of the Revised Code.

3. Implement Senate Bill 204 (134th G.A.) by indicating that a person may qualify for ODA's certification to provide consultations if the person is an LISW or LSW with an unencumbered license in another state that entered into the counseling compact with Ohio under section 4757.50 of the Revised Code.

4. Remove unnecessary regulatory restrictions from this rule to comply with Senate Bill 9 (134th G.A.).

5. Reorganize the list of ways that a person may qualify for certification to provide consultations.

6. Delete paragraph (A)(3) [as numbered in the current rule] of the rule because only nurses and social workers can conduct the reviews described in that paragraph and paragraphs (B)(2)(a) and (B)(2)(b) [as numbered in the new rule] already cover nurses and social worker.

**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