

## Rule Summary and Fiscal Analysis

### Part A - General Questions

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

**Rule Type:** Rescission

**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:** 614-202-7971

**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?** 10/31/2022
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?**

This rule exists 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.**

ODA proposes to rescind this rule and to replace it with a new rule of the same number. For details on the differences, please review the RSFA for the new rule.

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 rescind this rule and to replace it with a 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? 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? 7

(A)(2) ODA SHALL only certify a person to provide a long-term care consultation who is an employee of the program administrator and who meets at least one of the following four requirements:

(A)(3) Any person who provides a long-term care consultation that includes an assessment of the individual's functional capabilities, fulfills any portion of a required pre-admission screening and resident review determination, or fulfills any portion of a level-of-care review SHALL meet the requirements of paragraph (A)(2)(a) of this rule.

(A)(4) No employee of a provider of long-term services and supports SHALL provide a long-term care consultation.

(A)(5) ODA SHALL only certify a person to provide a long-term care consultation if...

(A)(5) ...the results of database reviews on the person or the person's criminal record do not PROHIBIT the program administrator from hiring or retaining the person in a paid direct-care position.

(B)(3)(a) Training and orientation SHALL include the following topics:

(B)(3)(b) The professional development curriculum SHALL transmit knowledge relevant to the duties involved in providing a long-term care consultation.

- 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