

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-43-05  
**Rule Type:** Amendment  
**Rule Title/Tagline:** 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?** Yes
  - A. **What is the rule's five year review date?** 5/3/2018
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 49 - 132  
- Rep. Smith
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 173.01, 173.02, 173.42, 173.422
5. **What statute(s) does the rule implement or amplify?** 173.42, 173.422
6. **What are the reasons for proposing the rule?**

ORC Â§106.03 requires ODA to review this rule before each its review deadline. After reviewing the rule top-to-bottom, ODA proposes to amend the rules with only non-substantive amendments.

Part of the review involved considering amendments in light of the following recent events, which now affect the Long-Term Care Consultation Program: (1) On October 2, 2017, the state launched the Ohio Benefits Long-Term Services and Supports (OBLTSS)

Program, which is a new program with a similar mission to that of the Ohio Long-Term Care Consultation Program, and (2) HB49 amended the statutes authorizing Long-Term Care Consultation Program, but none of HB49's amendments require ODA to amend this rule. At this time, ODA believes it is wise to see how well OBLTSS works before determining if ODA's rules for the Long-Term Care Consultation Program require substantive amendments.

Please review the BIA for more information.

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

Chapter 173-43 implements ODA's rules for the Long-Term Care Consultation Program. As stated in 173-43-01, "The program provides information to individuals and their representatives about options available to meet their long-term care needs and factors to consider when making long-term care decisions." This rule establishes the requirements for a person to become certified to provide the consultations on behalf of ODA's designee, the program administrator. It does not regulate any Ohio business and is, therefore, not subject to the Common-Sense Initiative (CSI).

ODA proposes to add "Long-term care consultation program:" to the beginning the title of each rule in OAC Chapter 173-43. This serves as a sort-of chapter title. It aids the public in finding one of the rules when googling for it because search engines may be better at searching for website content (e.g., The name of the rule in a link) rather than the content on a .pdf document on the other end of the link. Additionally, it aids the public in identifying any single rule as belonging to the Long-Term Care Consultation Program when viewed apart from OAC Chapter 173-43.

ODA proposes to delete the unnumbered introductory paragraph in this rule. It is unnecessary—especially after ODA's amendment to the rule's title.

Since January 1, 2013, Chapter 173-9 has been requiring responsible parties to review databases and checking criminal records on applicants for, and employees in, paid direct-care positions which offer long-term care consultations. Therefore, ODA proposes for (A)(5) to reflect that Chapter 173-9's requirements is upon responsible parties, not the persons applying for, or hoping to retain, their paid direct-care positions. Additionally, ODA proposes to add "or a database review" after "criminal record" to reflect Chapter 173-9's requirement to both review databases and check criminal records.

ODA proposes to delete "but is not limited to" when occurring after "include," because the extra words do not change the

meaning of "includes."

ODA also proposes to make other non-substantive amendments such as using "requirements" instead of "criteria" and "provides" instead of "performs."

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. 121.71 to 121.76, 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.**

ODA made a revised filing of the rule to add a space between "do" and "not" in (A)(5).

## **II. Fiscal Analysis**

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

ODA's proposed amendments to this rule would have no effect upon the biennial budget the Ohio General Assembly established for ODA.

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

ODA estimates this rule creates no cost of compliance to any entity other than to ODA's designees, the program administrators.

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**

### **III. Common Sense Initiative (CSI) Questions**

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

**16. 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**

This rule regulates ODA's designees, not Ohio businesses.

**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 regulates ODA's designees, not Ohio businesses.