

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-9-10
Rule Type: Amendment
Rule Title/Tagline: Background checks for paid direct-care positions: consequences for failure to comply with this chapter.
Agency Name: Department of Aging
Division:
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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?** 1/31/2019
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?** 173.01, 173.02, 173.38, 173.381, 173.391, 173.392; 42 U.S.C. 3025(a)(1)(C); 45 C.F.R. 1321.11
5. **What statute(s) does the rule implement or amplify?** 173.38, 173.381; 45 C.F.R. 460.68(a), 460.71(b), 460.194
6. **What are the reasons for proposing the rule?**

ODA reviewed this rule, as required at least once before each its 5-year deadline. ODA now proposes to make non-substantive updates to it.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides links between the requirements of Chapter 173-9 and other rules or agreements establishing the means by which a responsible party would face consequences for failure to comply with Chapter 173-9. ODA proposes to update the rule's terminology.

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.

Not Applicable

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 estimates that the amendment of this rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA in H.B. 49 (132nd G.A.).

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

ODA estimates that the proposed amendment of this new rule will create no cost of compliance for any person or organization directly affected by it. For more information, please review ODA's responses to BIA questions #14 and #15.

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? Yes

- 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? Yes

This rule has no direct adverse impact. Instead, this rule provides links between the requirements in Chapter 173-9 and other rules or agreements establishing the means by which ODA (or its designees) may discipline a responsible party for non-compliance with Chapter 173-9. This rule's indirect adverse impact is the discipline a responsible party would receive under the rules or agreements cited in this rule. However, the only responsible parties to experience the adverse impact would be those who are non-compliant with Chapter 173-9.

For more information, please review ODA's responses to BIA questions #14 and #15.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No