

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-14-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Types of representatives.

**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?** 11/15/2021
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, 173.16; 42 U.S.C. 3025, 3058g; 45 C.F.R. 1321.11, 1324.11, 1324.13, 1324.15
5. **What statute(s) does the rule implement or amplify?** 173.16, 173.17; 42 U.S.C. 3058f; 45 C.F.R. 1321.11, 1324.11
6. **What are the reasons for proposing the rule?**

This chapter of rules exists to (1) establish a state long-term care ombudsman program in Ohio as required by section 173.01 of the Revised Code, 42 U.S.C. 3027 and 3058g, 45 C.F.R. 1321.11, and 45 C.F.R. Part 1324, and (2) implement the provisions of Chapter 173 of the Revised Code pertaining to ombudsman programs, as required by section 173.02 of the Revised Code.

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

This rule defines the types of representatives required for the SLTCO and regional programs. The rule also prohibits staff members who aren't representatives from performing complaint-handling duties.

We propose to amend this rule to insert "and accessing ombudsman records" into paragraph (B) of this rule after "complaint-handling function."

- 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

The adoption of the proposed amendment to this rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

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

The proposed amendment to this rule will create no new cost of compliance to any directly-affected person.

- 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? No
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
  - 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 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

