

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-10

Rule Type: Rescission

Rule Title/Tagline: Content and administration of examinations.

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? 11/16/2023
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? SB 9 - 134 - McColley, Roegner
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; 42 C.F.R. 1321.11, 1324.11, 1324.13, 1324.15
5. What statute(s) does the rule implement or amplify? 173.16; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1324.11, 1324.13, 1324.15
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 establish the administrative standards for deployment exams and certification exams.

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

This rule establishes the administrative standards for deployment exams and certification exams.

ODA proposes to rescind this rule and to simultaneously adopt a new rule in its place. Please review the RSFA for the proposed new rule for details on differences between the proposed new rule and this 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.

ODA refiled this rule to undo the following proposals:

1. "The SLTCO shall develop deployment and certification examinations" with "The SLTCO develops deployment and certification examinations."
2. "The state office shall provide a review of the curriculum" with "The state office provides a review of the curriculum."
3. "The SLTCO shall provide each candidate..." with "The SLTCO provides each candidate...."
4. "[T]he SLTCO shall destroy the exam..." with "the SLTCO destroys the exam...."
5. "The SLTCO shall provide technical assistance..." with "The SLTCO is responsible for providing technical assistance...."

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

Rescinding this rule will not affect the biennial budget that the Ohio General Assembly established for the ombudsman program in House Bill 33 (135th G.A.).

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

This rule requires candidates for ombudsman certificate to pass exams. Otherwise, this rule regulates only the ombudsman program itself.

- 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? No**

- 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**

This rule does not regulate any Ohio business.

- 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? 11

1. (A) The examinations SHALL be fair...

2. (A) ...and SHALL test candidates on content received through the professional development sessions provided according to rule 173-14-05 of the Administrative Code.

3. (A) The SLTCO SHALL validate the examinations to the extent practicable.

3. (B) The deployment examination SHALL be administered after...

5. (B)(1) A candidate SHALL achieve a score of seventy per cent before performing core ombudsman services without direct supervision and may retake the deployment exam until a passing score is achieved.

6. (E) The examination SHALL be scored as soon as practicable.

7. (E) A score of seventy or higher on a one-hundred-point scale SHALL be a passing score.

8. (H) [unnumbered] Retakes of the examination SHALL be offered as soon as practicable,...

9. (H) [unnumbered] ...but both retakes MUST be taken within the first three months following receipt of notification that the candidate has failed the first examination.

10. (H) [unnumbered] After failing the examination three times, the regional director SHALL remove the individual from the provision of core services.

11. (H) [unnumbered] No candidate who is currently certified as a representative of the office SHALL lose the certification status currently assigned to that representative based upon a failure to pass any higher-level certification examination

- 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