

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-11

Rule Type: Rescission

Rule Title/Tagline: Registration of representatives.

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, 173.21; 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, 173.21; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1324.11
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 administrative standards for the ombudsman registry and the hiring process for ombudsman program specialists or program directors.

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

This rule establishes administrative standards for the ombudsman registry and the hiring process for ombudsman program specialists or program directors.

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 rework the following proposed replacements:

1. "The SLTCO shall maintain...registry" with "The SLTCO maintains...registry." Instead, ODA will use "The SLTCO shall maintain an ombudsman registry."
2. "SLTCO...SHALL NOT approve an applicant" with "the SLTCO reviews the applicant's qualifications." Instead, ODA will use "the SLTCO shall review the applicant's qualifications."

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 impact 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 regulates only the ombudsman program itself. It does not create a cost of compliance to any person or organization outside of the ombudsman program.

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? 4

1. (A)(2) ODA, SLTCO, and the sponsoring agency SHALL NOT approve an applicant who was employed by, or participated in, the management of a provider of long-term services and supports within the two-year period before being employed by or associated with the office pursuant to section 173.15 of the Revised Code.

2. (B)(1) The sponsoring agency SHALL consider the feedback of the SLTCO but assuming agreement on prescribed qualifications and conflict of interest remedies, if any, the sponsoring agency's decision as to employment is final.

3. (C) The registry SHALL retain the following information on each representative until twelve months after the date of separation from the office:

4. (D) The regional program director or designee, or the state office, whichever is appropriate, SHALL register paid representatives with the SLTCO before the representative's first day of employment.

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