Rule Summary and Fiscal Analysis (Part A)

Department of Aging
Agency Name

Division

Tom Simmons
Contact

50 West Broad Street 9th floor Columbus OH 43215-3363
Agency Mailing Address (Plus Zip)

614-728-2548
Phone

Fax

tsimmons@age.ohio.gov
Email

173-14-13
Rule Number

NO CHANGE
TYPE of rule filing

Rule Title/Tag Line **Continuing education requirements, approval of clock hours, certifying fulfillment.**

RULE SUMMARY

1. Is the rule being filed for five year review (FYR)? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.01, 173.02, 173.16, 173.21; Sections 305(a)(1)(C) and 712(a)(5)(D) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11 (October 1, 2014 edition).**

5. Statute(s) the rule, as filed, amplifies or implements: **173.16, 173.21; Section 712 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006.**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Chapter 173-14 of the Administrative Code governs Ohio's State Long-Term Care Ombudsman (SLTCO) Program, including, but not limited to, the designation of regional programs, the handling of complaints, referring complaints to other public agencies or entities, the training requirements for ombudsman representatives, the deadlines for paying the bed fee, and the requirements to review databases and check criminal records for each paid ombudsman position.

State law requires ODA to review its rules no later than each rule's currently-assigned review date. The SLTCO has reviewed the rules of this chapter and, at this time, is recommending no changes to the current rules.

Regarding forthcoming federal rules in July, 2016, the SLTCO will conduct a subsequent review of all aspects of the Office and will propose amendments as part of that analysis.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule regulates the continuing-education requirements for ombudsman associates, ombudsman specialists, and ombudsman program directors.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **5/1/2015** and **05/01/2020**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

$0.00

ODA anticipates that the proposed no-change rule filing would have no effect upon the biennial budget that the Ohio General Assembly established for ODA.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

The following appropriations generally apply to Chapter 173-14 of the Administrative Code:

1. GRF-490-410 Long-Term Care Ombudsman.

2. 4C40-490-609 Regional Long-Term Care Ombudsman Program: from bed fees (cf., section 173.26 of the Revised Code and rule 173-14-27 of the Administrative Code).

3. 3220-490-618 Federal Aging Grants.

4. 3M40-490-612 Federal Independence Services.

The ombudsman support appropriation (BLI: 5BA0-490-620) does not apply to Chapter 173-14 of the Administrative Code. The appropriation, which is a transfer from the Resident Protection Fund, is used for special projects that are above and beyond the core ombudsman services that Chapter 173-14 of the Administrative Code regulates.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

ODA does not charge a fee for its continuing education courses. Therefore, ODA estimates that there is no direct cost of complying with the current rule.

ODA also estimates that there is no cost of compliance to any directly-affected person that would result from ODA's proposed no-change rule filing.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

The rule regulates the operations of the offices of the SLTCO and RLTCOs. The rule does not regulate any Ohio business.

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**

The rule regulates the operations of the offices of the SLTCO and RLTCOs. The

rule does not regulate any Ohio business.

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

The rule regulates the operations of the offices of the SLTCO and RLTCOs. The rule does not regulate any Ohio business.