

**Rule Summary and Fiscal Analysis (Part A)****Department of Aging**

Agency Name

Division

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**173-14-14**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Staffing requirements, staff qualifications, and background checks.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
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, 173.27; Section 712(a)(5)(D) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended by the Older Americans Act Reauthorization Act of 2016; 45 C.F.R. 1321.11, 1324.11(e), 1324.13(b), 1324.15(b) (October, 2016 edition).**
5. Statute(s) the rule, as filed, amplifies or implements: **173.16, 173.27; Section 712(a)(5) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended by the Older Americans Act Reauthorization Act of 2016; 45 C.F.R.**

**1321.11(e) (October, 2016 edition).**

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

ODA and the State Long-Term Care Ombudsman (SLTCO) propose to adopt this new rule as part of project to transfer ombudsman-related language in OAC Chapter 173-9 to OAC173-14-14. Because more than 50% of the current rule would be amended in the process, ODA proposes to rescind it and replace it with this proposed new rule. (cf., §4.3.1 of the Legislative Service Commission's Rule Drafting Manual).

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:

This rule presents the staffing requirements for regional programs, staff qualifications for representatives in those programs, and background-check requirements for paid ombudsman positions.

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:

The rule references several databases which the general public may access free of charge on websites also mentioned in the rule.

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:

The rule references several databases which the general public may access free of charge on websites also mentioned in the rule.

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:

(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 estimates the proposed adoption of this new rule would have no net impact upon the biennial budget the Ohio General Assembly established for ODA, especially since the new rule would contain the same requirements simultaneously being deleted from OAC Chapter 173-9 or contained in OAC173-14-14, which ODA is proposing to rescind.

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

GRF-490-410 Long-Term Care Ombudsman.

3220-490-618 Federal Aging Grants.

3M40-490-612 Federal Independence Services.

4C40-490-609 Regional Long-Term Care Ombudsman Program.

5BA0-490-620 Ombudsman Support.

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 estimates the proposed adoption of this new rule would have no net impact upon the biennial budget the Ohio General Assembly established for ODA, especially since the new rule would contain the same requirements simultaneously being deleted from OAC Chapter 173-9 or contained in OAC173-14-14, which ODA is proposing to rescind.

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 State Long-Term Care Ombudsman Program, which is operated by ODA and its designees, the regional long-term care ombudsman offices. The rule does not regulate Ohio businesses.

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 does not regulate Ohio businesses.

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

The rule does not regulate Ohio businesses.