

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-14

Rule Type: New

Rule Title/Tagline: Staffing requirements, staff qualifications, and background checks.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. Is this a five year rule review? No

A. What is the rule's five year review date?

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, 173.27; 42 U.S.C. 3025, 3058g; 45 C.F.R. 1321.9, 1324.11, 1324.13, 1324.15

5. What statute(s) does the rule implement or amplify? 109.572, 173.16, 173.27; 42 U.S.C. 3058g; 45 C.F.R. 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 proposed new rule will exist to establish the staffing standards and qualifications for ombudsman staff.

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

This proposed new rule will establish the staffing standards and qualifications for ombudsman staff.

Compared to the rule that it will replace, amendments to this proposed new rule will achieve the following:

1. Significantly reduce the length of this rule by referring to identical standards in Chapter 173-9 of the Administrative Code rather than restating those standards.
2. Replacing uses of "representative" with "ombudsman."
3. Replace "hire" with "designate" in paragraphs (B)(2) and (B)(3) of this rule.
4. Replaces uses of "ODA" with "AGE."
5. Add a 7th database to review (ODM Provider Exclusion and Suspension List).
6. Reference the procedures for background checks in RC§173.27 and Chapter 109:5-1 of the Administrative Code rather than continue to restate those standards in this rule.
7. Delete the every-5-year review of criminal records option for pre-2008 hires and make the every-5-year review option for 2008-present hires apply to all hires regardless of hiring date.

AGE also proposes to make non-substantive improvements to 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.

AGE made a revised filing of this rule to achieve the following:

1. Add ODM's exclusion database to the spelled-out lists of databases under paragraph (C)(2)(a) of this rule.
2. Replace "(C)(6)(c)(1) of this rule" in paragraph (C)(8)(a)(i)(C) of this rule with "(B)(3) of rule 173-9-07 of the Administrative Code."

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

Adopting this proposed new rule to replace a rule of the same number that AGE is simultaneously proposing to rescind will not impact the biennial budget that the Ohio General Assembly established for AGE in House Bill 96 (136th GA).

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

This rule does not create a cost to any person or organization other than an ombudsman and 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
- 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? No
 - A. How many new regulatory restrictions do you propose adding to this rule?
Not Applicable
 - B. How many existing regulatory restrictions do you propose removing from this rule?
Not Applicable
 - C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
Not Applicable
 - D. Please justify the adoption of the new regulatory restriction(s).
Not Applicable