

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-16

Rule Type: New

Rule Title/Tagline: Complaint-handling protocol.

Agency Name: Department of Aging

Division:

Address: 30 E Broad St. 22nd Floor Columbus OH 43215-3414

Contact: Tom Simmons

Phone: 614-202-7971

Email: tsimmons@age.ohio.gov

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; 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? 173.15, 173.19, 173.20, 173.22; 42 U.S.C. 3058g; 45 C.F.R. 1321.19

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 outline complaint-handling protocol.

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

This proposed new rule will outline complaint-handling protocol.

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

1. Replace uses of "representative" with "ombudsman."
2. Replace uses of "consumer" with "client" or "client or complainant."
3. Replace a use of "ODA" with "AGE."
4. Replace "representatives" in paragraph (A)(4) of this rule with "legal representatives or sponsors."
5. Replace "establish" with "prioritize" in paragraph (A)(5) of this rule. This relates to the requirement to implement 45 CFR 1324.11(e)(1)(v).
6. Combine paragraph (A)(6) of this rule with paragraph (A)(5) of this rule. In doing so, replace "will" with "shall." This relates to the requirement to implement 45 CFR 1324.11(e)(1)(v).
7. Insert "determining capacity and" before "obtaining consent" in paragraph (B)(1)(d) of this rule.
8. Replace "clear statement of the problems" in paragraph (B)(1)(e) of this rule with "clear problem statement and goal statement." This involves combining paragraph (B)(1)(h) with (B)(1)(e) of this rule.
9. Add "role" after "ombudsman" in paragraph (B)(1)(f) of this rule.
10. Add "to the client and or complainant" at the end of paragraph (B)(1)(g) of this rule.
11. Add "and as appropriate" at the end of paragraph (B)(1)(o) [now (B)(1)(n)] of this rule.
12. Reference the confidentiality standards in the USC, CFR, and Ohio Revised Code in paragraph (G)(1) of this rule.

13. Indicate that the SLTCO may establish special complaint-handling standards for optional ombudsman services.

- 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.**

Not Applicable

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? Yes
- A. How many new regulatory restrictions do you propose adding to this rule?
1

(A)(5) "The program SHALL then prioritize all abuse, neglect, and exploitation complaints and other complaints that are time sensitive."
 - B. How many existing regulatory restrictions do you propose removing from this rule? 0
 - C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Paragraph (C) of rule 173-14-18 of the Administrative Code (1:1).

D. Please justify the adoption of the new regulatory restriction(s).

By July 1, 2025, AGE had reduced regulatory restriction words in its rules by 58.98%. This "shall" will replace the unenforceable use of "will."