

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-16

Rule Type: Amendment

Rule Title/Tagline: Complaint-handling protocol.

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?** 9/3/2019
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?** 173.01, 173.02; 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?** 173.15, 173.19, 173.20, 173.22; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 1321.19
6. **What are the reasons for proposing the rule?**

ODA and the state long-term care ombudsman (SLTCO) adopted Chapter 173-14 (this chapter) to establish and operate a state long-term care ombudsman program as required by R.C. §173.01; 42 U.S.C. 3027, 3058g; and 45 C.F.R. 1321.11 and Part 1324. ODA adopted this rule to establish the protocol for handling complaints about long-term care providers received by the program. ODA and SLTCO propose to amend this rule.

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

ODA proposes to amend this rule to achieve the following:

1. To clarify how a representative shall document verbal consent in the case records.
2. To require the SLTCO and each representative to document all complaint-handling activity in the Ombudsman Documentation and Information System (ODIS).

- 8. Does the rule incorporate material by reference? No**

- 9. 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

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

On September 25, 2019, ODA revised paragraph (G)(4) of this rule to delete the second "shall" in the occurrence of "shall shall."

II. Fiscal Analysis

- 11. 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 the proposed amendments to this rule will not impact the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

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

The directly-affected persons affected by this rule is an ombudsman representative, which is a person working in the state long-term care ombudsman program or regional programs. This rule does not regulate any Ohio business.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **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

16. **Was this rule filed with the Common Sense Initiative Office? No**
17. **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**

This rule regulates the state long-term care ombudsman program and regional programs. It 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**

This rule regulates the state long-term care ombudsman program and regional programs. It does not regulate any Ohio business.

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

This rule regulates the state long-term care ombudsman program and regional programs. It 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**

This rule regulates the state long-term care ombudsman program and regional programs. It does not regulate any Ohio business.