

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-14-25

**Rule Type:** New

**Rule Title/Tagline:** Designation service reviews and additional program reviews.

**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? Yes
  - A. If so, what is the bill number, General Assembly and Sponsor? SB 9 - 134 - McColley, Roegner
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; 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? 173.16, 173.18; 42 U.S.C. 3058g; 45 C.F.R. 1321.11, 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 requirements for designation service reviews and additional program reviews.

**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 requirements for designation service reviews and additional program reviews.

Because ODA's proposed amendments to the current version of this rule would amend approximately 50% of that rule, ODA proposes to adopt this new rule to replace the current rule in compliance with §4.3.1 of the Legislative Service Commission's Rule Drafting Manual. ODA's proposed new rule will achieve the following in comparison to the rule that it will replace:

1. Reduce the unnecessary use of the regulatory-restriction words "shall" and "require" in this rule to comply with R.C. §121.951.
2. Use "designation service review" and "DSR" throughout this rule instead of "program review" or "regular program review."
3. Indicate that all the items under paragraph (B) of this rule are part of a DSR while any of the items under the same paragraph may be part of an additional program review.
4. Delete authorizations in this rule for an area agency on aging (AAA) to participate in a DSR or additional program review, but continue to permit an AAA to conduct a fiscal review of a regional long-term care ombudsman program that is independent of the SLTCO's DSR or additional review.
5. Add authorization for the SLTCO to invite a regional program's sponsoring agency to participate in the review of the regional program.
6. Replacing use of the word "documents," which implies paperwork, with "records," which applies to both paperwork or electronic records.
7. Add volunteer records to the list of records that the SLTCO may access during a DSR or additional program review.
8. Combine the random-selection standard in paragraph (B)(4) of the current rule with the list of items to review under paragraph (B) of this proposed new rule.
9. Delete paragraph (B)(1)(f) of the current rule.

10. Require the SLTCO, in paragraph (E) of this proposed new rule, to provide the sponsoring agency with the results of the DSR or additional program review.

11. Delete language on notice and hearing requirements from this rule because the topic is covered in rule 173-14-26 of the Administrative Code.

12. Make additional non-substantive improvements to this rule, including (1) replacing the passive voice with the active voice to comply with §5.8.6 of the Rule Drafting Manual and (2) replacing the last-remaining use of "client" in this chapter, other than the definition of "client" in rule 173-14-01 of the Administrative Code, with "consumer." [ODA is simultaneously proposing to delete the definition in rule 173-14-01 of the Administrative Code.]

**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 will not affect the biennial budget that the Ohio General Assembly established for the ombudsman program in House Bill 33 (135th G.A.).

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

This proposed new rule will regulate only the ombudsman program itself. It will not create a cost of compliance to any person or organization outside of the ombudsman program.

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

This proposed new rule will 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

### **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