

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-14-25

Rule Type: Rescission

Rule Title/Tagline: Program review for continued designation.

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? Yes
 - A. What is the rule's five year review date? 11/16/2023
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 rule exists to establish the requirements for designation service reviews (i.e., "regular program 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 rule establishes the requirements for designation service reviews and additional program reviews.

ODA proposes to rescind this rule and to simultaneously adopt a new rule in its place. Please review the RSFA for the proposed new rule for details on differences between the proposed new rule and 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.**

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

Rescinding this 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 rule regulates only the ombudsman program itself. It does 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 rule 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

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? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 11

1. (A) [unnumbered] Nothing in this rule SHALL...
2. (A) [unnumbered] ...PROHIBIT the AAA from conducting a fiscal review independent of the SLTCO's program review,...
3. (A) [unnumbered] ...except that the AAA SHALL inform the SLTCO of the results of any such review.
4. (B)(1)(f) The plan SHALL be prepared according to paragraph (A) of rule 173-14-24 of the Administrative Code.
5. (B)(2) The SLTCO SHALL take the lead in conducting the reviews required under paragraphs (B)(1)(d) to (B)(1)(f) of this rule and the AAA may be present and offer comments,...
6. (B)(2) ...except that the AAA MAY NOT be present or offer comments during any part of the review that includes confidential information.
7. (B)(3) The AAA involved in the program review SHALL have access to all necessary program administrative records....
8. (B)(4) When conducting reviews under paragraph (B)(1)(d) of this rule, the SLTCO SHALL review a minimum of fifteen cases, drawn from a random sampling of cases documented by the regional program.
9. (C) If appropriate, upon the completion of any program review, the SLTCO SHALL develop an action plan for quality (APQ) in conjunction with the regional program.
10. (C) The APQ SHALL be developed according to paragraph (C) of rule 173-14-23 of the Administrative Code.
11. (D)(2) If the SLTCO withdraws the regional program's designation or grants the regional program only provisional designation status, the SLTCO and the AAA SHALL follow the notice and hearing requirements established in Chapter 119. of the Revised Code.

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

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

Not Applicable