Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 173-14-26

Rule Type: New

Rule Title/Tagline: Changes in a regional program's designation status; notice rights; and hearing requirements.

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?** HB 49 - 132 - Smith

3. **What statute is this rule being promulgated under?** 119.03

4. **What statute(s) grant rule writing authority?** 173.01, 173.02, 173.16; 42 U.S.C. 3025(a)(1)(C), 3058g(a)(5)(D); 45 C.F.R. 1321.11, 1324.11(e), 1324.13(b)(1), 1324.15(b)

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(e)

6. **What are the reasons for proposing the rule?**

   ODA and the SLTCO (we) adopted OAC Chapter 173-14 (this chapter) to establish and operate a state long-term care ombudsman program as required by ORCÂ§173.01; 42 USC 3027, 3058g; and 45 CFR 1321.11 and Part 1324. We also adopted this chapter

to carry out the provisions of ORC Chapter 173 pertaining to ombudsman programs as required by ORC§173.02.

As part of this chapter, we adopted the current version of 173-14-25 to establish the requirements and appeal rights surrounding a change in a regional program's designation status..

We reviewed every rule in this chapter top to bottom, as ORC§106.03 requires us to do no less often than once every 5 years. In doing so, we considered any necessary amendments to implement the following new laws:

(1) On February 11, 2015, the U.S. Dept. of Health and Human Services, Administration on Aging (AoA) and Administration for Community Living (ACL) jointly adopted 45 CFR Part 1321 to regulate long-term care ombudsman programs. AoA and ACL subsequently amended their rules and renumbered them as 45 CFR Part 1324.

(2) On April 19, 2016, the Older Americans Act Reauthorization Act of 2016 amended §§ 711 (42 USC3058f), 712 (42 USC3058g), and other sections of the Older Americans Act of 1965.

(3) On September 29, 2017, Am. Sub. House Bill No. 49 (132nd G.A.) amended ORC §§ 173.14, 173.15, 173.17, 173.19, 173.20, 173.21, 173.22, and 173.24.

We propose to adopt this new rule to replace a substantially-similar rule (173-14-25) we simultaneously propose to rescind.

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

This rule establishes the requirements and appeal rights surrounding a change in a regional program's designation status.

We propose to adopt this new rule to replace a substantially-similar rule (173-14-25) we are simultaneously proposing to rescind.

In comparison to the rule it will replace, this proposed new rule will have some improved word choice and punctuation.

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. 121.71 to 121.76, 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.**

    Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

    This will have no impact on revenues or expenditures.

    $0.00

    We estimate the adoption of this proposed new rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA in HB49 because it will replace a similar rule (173-14-25) of which ODA is simultaneously proposing to rescind.

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

    We estimate the adoption of this proposed new rule, and simultaneous rescission of a similar rule (173-14-25), will create no cost of compliance to any directly-affected person.

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

III. Common Sense Initiative (CSI) Questions

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

16. **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

       OAC Chapter 173-14 regulates the state long-term care ombudsman program and regional programs. No rule in this chapter regulates an 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

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