

**Department of
Aging**

John Kasich, Governor
Bonnie Kantor-Burman, Director

NOTICE

ODA is proposing to amend rules 173-14-02, 173-14-03, 173-14-04 and 173-14-13 of the Administrative Code. Section 119.03 of the Revised Code requires ODA to conduct a public hearing to obtain comments concerning ODA's proposed amendments. ODA will conduct the hearing on **November 22, 2011** at 50 W. Broad Street, 10th floor; Conference Rooms A&B; Columbus, OH 43215. The hearing will begin at **1:30PM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

Any person may direct written comments or requests for information concerning the proposed actions to Tom Simmons, ODA's rules manager, on or before the date of the hearing by writing to rules@age.state.oh.us.

INTRODUCTION

ODA is proposing to amend rules 173-14-02, 173-14-03, 173-14-04, and 173-14-13 of the Administrative Code. In doing so, ODA has 3 basic goals:

1. To require each *new* representative of the Office of the State Long-Term Care Ombudsman to be equipped to assist with complex complaint-handling activity. This involves:
 - a. Reducing the number of categories of representatives from four to three. January 1, 2012 will become the last day a person can become an Ombudsman Associate Level 1. On January 2, 2012, ODA will eliminate that category for new representatives and rename the category called "Ombudsman Associate Level 2" as "Ombudsman Associate."
 - b. Adding a grandfather clause to rule 173-14-03 of the Administrative Code so that any representative who is certified as an Ombudsman Associate Level 1 before January 2, 2012 may continue to perform all but two of the duties without voluntarily increasing their certification level to the Ombudsman Associate Level 2 category (which ODA proposes to simply call "ombudsman associate" beginning on January 2, 2012). This will create no cost of compliance for a current representative who does not wish to increase his or her certification level.
 - c. Continuing to require, in rule 173-14-13 of the Administrative Code, any representative who is grandfathered as an Ombudsman Associate Level 1 before January 2, 2012 to complete 5 hours of continuing education every year. If the representative voluntarily wishes to increase his or her certification level to the new Ombudsman Associate level, the representative must complete 6 hours of continuing education every year, which is current requirement for the Ombudsman Associate Level 2 category.
 - d. Requiring, in rule 173-14-04 of the Administrative Code, any representative who is certified as an Ombudsman Associate Level 1 before January 2, 2012 to complete four hours of professional development if the representative voluntarily desires to increase his or her certification level to become a new Ombudsman Associate. This will create no new cost of compliance for a current representative who does not wish to increase his or her certification level.
 - e. Continuing to prohibit a non-representative staff member from performing complaint-handling functions, but to allow them to perform duties in conjunction with the ombudsman program for which they are trained or hold an appropriate license.

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2. To comply with section 119.032 of the Revised Code, which requires every state agency to review each rule on or before the rule's designated review date.
3. To comply with Governor Kasich's Executive Order 2011-01K "Implementing Common Sense Business Regulation" and S.B. No. 2 (129th G.A.). ODA is also proposing to amend this rule after providing interested parties and the general public an opportunity to provide input on the proposed amendments to the rule. From October 5, 2011 to October 11, 2011, ODA posted the proposed amended rule on <http://aging.ohio.gov/information/rules/proposed.aspx> for a public-comment period. The proposed amendments to rule 173-14-13 of the Administrative Code were not part of the public-comment period because ODA did not decide to amend that rule until after the period ended.

ODA anticipates adopting these amendments on January 2, 2012.

173-14-02 Types of representatives.

Specifically, ODA is proposing to amend the rule to:

1. Reduce the number of categories of representatives from four to three by replacing the categories called "Ombudsman Associate Level 1" and "Ombudsman Associate Level 2" with "ombudsman associate."
2. Replace "core ombudsman services" with "any complaint-handling function, but they may perform duties in conjunction with the program for which they are trained or hold an appropriate license."
3. Insert "173.01" into the statutory authority section because section 173.01 of the Revised Code also gives ODA authority to adopt this rule.

173-14-03 Duties of the representatives of the office.

Specifically, ODA is proposing to amend the rule to:

1. Replace the references to the categories of representatives of the Office of the State Long-Term Care Ombudsman called "Ombudsman Associate Level 1" and "Ombudsman Associate Level 2" with "Ombudsman Associate."
2. Add a grandfather clause to rule 173-14-03 of the Administrative Code so that any representative who is certified as an Ombudsman Associate Level 1 before January 2, 2012 may continue to perform all but two of the duties without voluntarily increasing their certification level to the Ombudsman Associate Level 2 category (which ODA proposes to simply call "Ombudsman Associate" beginning on January 2, 2012).
3. Move "and," at the end of paragraph (A)(5) of the rule to paragraph (A)(6) of the rule.
4. Replace "Perform follow-up activities on" in paragraph (A)(6) of the rule with "Assist with handling."
5. Replace "the components of a volunteer program" in paragraph (C)(6) of the rule with "volunteer resources."
6. Insert "173.01" into the statutory authority section because section 173.01 of the Revised Code also gives ODA authority to adopt this rule.

173-14-04 Hours of professional development required for representatives of the office, certification.

Specifically, ODA is proposing to amend the rule to:

1. Replace references to the categories of representatives of the Office of the State Long-Term Care Ombudsman called "Ombudsman Associate Level 1" and "Ombudsman Associate Level 2" with "Ombudsman Associate."
2. Add a grandfather clause so that all any volunteer who is certified as an Ombudsman Associate Level 1 before January 2, 2012 only needs to complete four additional clock hours of professional development in order to become an ombudsman associate. This reflects the current training requirement to move from Ombudsman

Associate Level 1 to Ombudsman Associate Level 2. Accordingly, this will create no cost of compliance for current volunteers.

3. Insert "173.01" into the statutory authority section because section 173.01 of the Revised Code also gives ODA authority to adopt this rule.

173-14-13 Continuing education requirements, approval of clock hours, certifying fulfillment.

Specifically, ODA is proposing to amend the rule to:

1. Insert, after "level 1" in paragraph (A)(1)(a) of the rule, ", if the representative was certified as an ombudsman associate level 1 on or before January 1, 2012"
2. Delete "level 2" from paragraph (A)(1)(b) of the rule.
3. Insert "173.01" into the statutory authority section because section 173.01 of the Revised Code also gives ODA authority to adopt this rule.