



Department of
Aging

Ted Strickland, Governor
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Ohio Department of Aging's
RULE-MAKING PROCESS

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The Department of Aging

THE MISSION

The Ohio Department of Aging is a state agency designated by the Ohio General Assembly to administer various state and federal programs to provide leadership for the delivery of services and supports that improve and promote quality of life and personal choice for Ohioans sixty years of age and older, adults with disabilities, their families, and their caregivers.

ORGANIZATION

The Department of Aging is organized into eight divisions through which it achieves its regulatory mission:

- The **Community Long-Term Care Division** (CLTCD) manages community-based Medicaid-related programs to provide a cost-efficient high-quality alternative to receiving services in a nursing facility. The programs under CLTCD include the PASSPORT Program, the self-directed Choices Program, PACE, the Residential State Supplement Program, the Assisted Living Program, and the Long-Term Care Consultation Program which ensures that individuals understand the options available to them and facilitates access to these options.
- The **Elder Rights Division** (ERD) safeguards the rights of consumers of long-term care and other services throughout Ohio. ERD houses the Office of the State Long-Term Care Ombudsman, whose mission is to seek resolution of problems and advocate for home care consumers and residents of long-term care facilities, with the goal of enhancing their quality of life and care. ERD coordinates legal and benefits assistance, manages the Long-Term Care Consumer Guide, which provides information about Ohio nursing homes and residential care facilities, and is the state coordinator for BenefitsCheckUp, a national online database of benefits and supports.
- The **Older Americans Act Programs Division** (OAAPD) supports the development and management of a comprehensive and coordinated system of community services. OAAPD administers and monitors programs supported by Older Americans Act funds and related state funds, coordinates development of the State Plan on Aging, and compiles reliable data for program management, advocacy, and reporting. OAAPD also coordinates the department's housing, energy, employment, Golden Buckeye Card, transportation, Aging and Disability Resource Network, care coordination, nutrition, caregiver, health and wellness, and emergency preparedness programs and initiatives.
- The **Communications Division** coordinates the public relations and media outreach programs of the department. The division plans special events and recognitions and creates and distributes educational and informative publications, articles, and other resources. It publishes a monthly newsletter for network

professionals (Aging Connection), produces "Finer With Age," a monthly television talk show, and maintains the Department's Web site.

- The **Fiscal Division** monitors the programs, services, and administrative entities that receive funding through the department. The division seeks to ensure compliance with applicable regulations, statutes, and policies; processes payments to vendors and sub-recipients; and manages the department's administrative resources, purchasing, revenue, travel, and inventory. It also tracks spending, prepares and monitors the biennial budget, manages the grants process for funds passed through the department, and conducts annual internal accounting control reviews.
- The **Information Services Division** (ISD) provides for the technological needs of the department and the aging network. The division designs, implements and supports the department's primary network as well as specialized information infrastructures (i.e., databases, applications, T1 communications) for agency programs and entities. They purchase, configure and maintain desktop and network computer equipment and software systems for the department. The division also provides help desk services and specialized training programs for employees and partners.
- The **Employee Services Division** (ESD) supports the staff of the Department to ensure the day-to-day operations of the agency. The division performs all functions of human resources management, including hiring new employees, processing payroll and benefits and staff development. It also provides facility management, including maintenance of office space, furniture and equipment; and facilitates mail, reception, records retention, and telecommunications services.
- The **Executive Division** directs the daily operation of the Department, sets goals, guides policy, and represents the agency to partners, constituents, and decision makers. The division represents the Department in any legal activity and handles all public records requests, labor arbitrations, and hearings before administrative forums. It oversees rule-writing for all program areas, drafts budget concepts, proposes, and analyzes legislative language and reviews testimony. It also monitors legislation that impacts older Ohioans and their families and provides information to legislators.

For more information about the Department of Aging, its mission, or its programs and services, please visit www.goldenbuckeye.com or call toll-free 1-800-266-4346.

What Are Administrative Rules?

An administrative rule is a regulation that bears the weight of law. Section 173.02 of the Ohio Revised Code grants the Ohio Department of Aging general rule-making authority to adopt new rules and to amend or rescind existing rules. Specific rule-making authority is granted elsewhere throughout the Ohio Revised Code.

When a state agency proposes a rule, the agency files rule with the Joint Committee on Agency Rule Review (JCARR) to begin the formal rule-review process. JCARR is a joint committee of both houses of the state legislature. JCARR examines the proposed rule to determine if the rule:

1. Is being proposed by an agency with the authority to do so;
2. Complies with other existing rules;
3. Reflects the intent of relevant legislation; and,
4. Contains a complete and accurate summary and fiscal analysis.

These four criteria are called "the four-pronged test."

If a majority of the members of JCARR believe that the Department has violated the above criteria in regard to a particular proposed rule, then JCARR may make a motion to the Ohio General Assembly to request that it vote upon the invalidation of the proposed rule. If the majority of the legislators vote to invalidate the rule, the agency that proposed the rule may not adopt the rule as an official state regulation. If the majority of the legislators vote against the motion to invalidate the rule, the agency may adopt the rule as an official state regulation.

Likewise, if no such motion is made by JCARR, the agency that proposes the rule may adopt the proposed rule as an official state regulation and notify any known affected parties that the proposed rule will soon be effective.

Section 119.032 of the Ohio Revised Code requires state agencies to repeat the formal review process for every rule no later than five years after the adoption of the rule and after each subsequent adoption.

Public Participation

INTRODUCTION

Because an administrative rule of the Ohio Department of Aging governs the operation or administration of one of our programs, enacting a new rule or changing an existing rule could affect the lives of many older Ohioans who benefit from that program. Therefore, the Department invites older Ohioans, advocates for older Ohioans, providers of services to older Ohioans, and members of the general public to participate in the rule-making process.

Our rule-making process complies with sections 119.03 and 111.15 of the Revised Code.

BEFORE THE FORMAL RULE-REVIEW PROCESS BEGINS

The first opportunity to participate

Any older Ohioan, advocate, service provider, or member of the general public should contact the Department any time he/she believes the Department needs to adopt a new rule or amend/rescind an existing rule.

The second opportunity to participate

If the Department drafts a proposed rule, we almost always post the proposed rule on our Web site for a public comment period that generally lasts for two weeks. In doing so, the Department is seeking input before beginning the formal rule-review process. Any older Ohioan, advocate, service provider, or member of the general public may comment on a proposed rule by submitting the comment through our Web site.

If the Department is currently posting a proposed rule for a public comment period, the proposed rule appears on www.goldenbuckeye.com/rules/draft.html. Through that Web page, one may submit a comment about any such rule. Also through that Web page, one may subscribe to a service that sends an email notice to subscribers whenever the Department posts proposed rules on its Web site. This is a free service of the Department.

After considering the comments received during the public comment period, the Department may revise the proposed rule before the formal rule-review process begins.

THE FORMAL RULE-REVIEW PROCESS

The third opportunity to participate

The formal rule-review process begins once the Department files a proposed rule with JCARR. The Department will hold a public hearing to receive further input on the proposal as part of the formal rule-review process. Any older Ohioan, advocate, service provider, or member of the general public may attend the public hearing to discuss the proposed rule.

Visit www.goldenbuckeye.com/rules/proposed.html to review information about the Department's proposed rules that are currently under JCARR's rule-review process. As mentioned earlier, one may also subscribe to be notified via e-mail whenever proposed

rules are posted on this Web site. Subscribing enables concerned citizens to receive an email notice whenever the Department files a proposed rule with JCARR.

After considering the input received during the public hearing, the Department may revise the language of a proposed rule before the end of the formal rule-review process.

The final opportunity to participate

JCARR places each rule under the formal rule-review process on a consent agenda for one of its meetings. Anyone who wishes to testify before JCARR concerning a rule on the consent agenda may do so at JCARR's meeting. However, JCARR only accepts testimony that related to whether or not a state agency's proposed rule complies with the previously-mentioned "four-pronged test." Regularly visit www.jcarr.state.oh.us to review the JCARR's meeting schedule and download consent agenda for upcoming meetings.

As stated earlier, the Department may adopt a proposed rule unless the rule is invalidated by a majority vote of the state legislature. The Department will consider any input received about a rule after it has been adopted at future opportunities when the rule-making process begins again.

PROPOSED RULES OF OTHER AGENCIES THAT AFFECT OLDER OHIOANS

Our Web site also lists many proposed rules of other state agencies that could impact older Ohioans.

For any general questions on any topic concerning the programs for older Ohioans please contact:

- Your Area Agency on Aging: 1-866-243-5678
- Ohio Department of Aging: 1-800-266-4346

For any questions or comments regarding the rule-making process or a specific rule, please make your contact by emailing to tsimmons@age.state.oh.us (preferred method of contact), by submitting a fax to 614-466-1049, or by writing to the Department of Aging at 50 W. Broad St., 9th Floor; Columbus, OH 43215.