

Rule Impact Statement
Title 75. Attorney General
Chapter 55. State Long-Term Care Ombudsman Program
Amended Permanent Rules OKLA. ADMIN. CODE § 75:55

This Rule Impact Statement has been prepared pursuant to 75 O.S.2021, §303(D)(1).

I. Brief description of the proposed rule(s).

The Office of the State Long-Term Ombudsman (“LTCO”), through the Office of the Attorney General (“OAG”), proposes these rules to fulfill obligations under the Long-Term Care Ombudsman Act, 63 O.S.2021 §§ 1-2211–1-2217. These amendments primarily reflect statutory changes resulting from the passage of Senate Bill 1709, 2024 Okla. Sess. Laws ch. 339, which transferred the LTCO from the Department of Human Services (“OKDHS”) to OAG.

The changes align authority under the Oklahoma Statutes and the Oklahoma Administrative Code and provide current and proper citation. Among other notable changes is the elimination of references to specific federal provisions. All state and federal laws will be followed, and there will be no future need to revise these rules if federal laws change. These rules eliminate the education and experience requirements and salary amounts for Area Agency on Agency ombudsman supervisors set by OKDHS position salary amounts. Language is clarified throughout the rules, particularly in areas related to assurances and ethical guidelines for staff and volunteers, conflicts of interest, provision of information, and rules of procedure for appeals of refused or withdrawn designations of area programs and representatives.

II. Description of the persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

OAG and OKDHS will be most affected, as legislation has shifted administration of the program OKDHS to OAG. These rules ensure an effective transition and continuation of service for vulnerable Oklahomans residing in long-term care housing.

At this time, OAG does not foresee any cost impacts in the enactment of these rule modifications. It has not received any reports of cost impacts from private or public entities.

III. Description of the classes of persons who will benefit from the proposed rule(s).

Oklahoma citizens, particularly those in, or supporting those in, long term care placements, as well as those administering long term care services, will benefit from the promulgation of these rules. In short, the State as a whole will benefit.

IV. Description of the probable economic impact of the proposed rule(s) upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change.

The proposed amendments should not pose an economic impact.

V. Description of the probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule(s), and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

OAG does not believe that there will be costs and risks to the agency, nor to any other agency as a result of implementing these rules. Moreover, OAG cannot anticipate any effect on state revenues. To the extent that there will be net loss or gain, one cannot be projected at this time.

VI. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

OAG determines that there will be no economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rules.

VII. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

OAG determines that implementation of the rules will not have an adverse economic effect on small business.

VIII. Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule(s).

Based on the rules as set forth, OAG does not believe that there will compliance costs. Without compliance costs, a finding concerning nonregulatory methods or less intrusive methods to achieve the purpose of the proposed rules is unnecessary.

IX. Determination of the effect of the proposed rules on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

OAG finds that the proposed rules will benefit public health and safety as the rules intend to ensure that Oklahomans receive outstanding service from LTCO, and that LTCO is in full compliance executing the obligations set forth in the Long-Term Care Ombudsman Act.

X. Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.

If these rules are not implemented, there will be a disconnect between Oklahoma Statutes and Oklahoma Administrative Rules, causing confusion and likely causing service disruption to patrons. OAG does not anticipate any detrimental effect on the environment from the implementation of these rules.

XI. Date the rule impact statement was prepared and if modified, the date modified.

OAG prepared this rule impact statement on December 19, 2024.