

Rule Summary and Fiscal Analysis (Part A)**Department of Aging**

Agency Name

Division

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173-14-27

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Bed fee collection guidelines.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **173.01, 173.02, 173.26; Section 305(a)(1)(C) Older Americans Act of 1965, as amended by the Older Americans Act Reauthorizat on Act of 2016, 79 Stat. 210, 42 USC 3001; 45 CFR 1321.11, 1324.11(e), 1324.13(b)(1), 1324.15(b).**
5. Statute(s) the rule, as filed, amplifies or implements: **173.26**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
ODA proposes to rescind this rule and to simultaneously replace it with OAC173-14-28.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule implements the bed fee requirements of ORC§173.26.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **5/3/2017**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

ODA anticipates rescinding this rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA primarily because (1) ODA proposes to simultaneously adopt a new rule in its place and (2) the new rule will require the same bed fee. (ORC§173.26 establishes the bed fee.)

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

4C40 490609 Regional Long-Term Care Ombudsman Program

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule impacts Ohio's nursing homes and RCFs. Presently, Ohio has almost 1,000 nursing homes and over 600 RCFs. The primary cost of compliance is the fee itself. ORC§173.26 requires nursing homes and RCFs to pay an annual \$6-per-bed fee. For more information on the cost of compliance, please review the BIA, especially ODA's responses to BIA questions #14 and #15.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **Yes**

This rule implements a statutory penalty found in ORC§173.26 for late payments of the annual bed fee.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

This rule implements a statutory fee requirement. ORC§173.26 requires nursing homes and RCFs to pay an annual \$6-per-bed fee. For more information on specific expenditures, please review the BIA, especially ODA's responses to BIA questions #14 and #15.